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Should I Have Learned to Cook? Interviews with Women Lawyers Juggling Multiple Roles

Jacquelyn H. Slotkin*

INTRODUCTION

An assistant U.S. Attorney in San Diego was driving her six-year-old son to a weekend soccer game. She asked him what he wanted to be when he grew up. He announced, "policeman, fireman, professional soccer player." She asked, "But don't you want to be a lawyer?" He responded, "Oh, Mom. Only girls are lawyers!" Women have indeed come a long way.¹

Women today have made dramatic progress educationally and professionally. More than 56% of all college graduates are women.² Forty-five percent of the labor force is female, two-thirds of all new work force recruits are women, and only one of every three mothers stays home to provide full-time childcare.³ Forty-eight percent of all law students are

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1. Jacquelyn H. Slotkin, *You Really Have Come a Long Way: An Analysis and Comparison of Role Conflict Experienced by Women Attorneys Today and By Educated Women Twenty Years Ago*, 18 WOMEN'S RTS. L. REP. 17 (1996).

2. BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES 2000, THE NATIONAL DATA BOOK, 182-93 (120th ed. Sept. 2000). These are projected numbers for 1998; the 1997 figures were approximately the same. *Id.* The number of women earning bachelor's degrees in 1997 was 652,000, master's degrees, 238,000, and doctor's degrees, 17,000. *Id.*

3. Peter Cattani, *Childcare Problems: An Obstacle to Work*, MONTHLY LAB. REV. 3, at 3 (Oct. 1991). See also BUREAU OF THE CENSUS, *supra* note 2, at 416. The numbers of women college faculty includes two-year institutions as well as public and private four-year universities and colleges. The executive category includes: public officials and administrators, financial managers, purchasing managers, managers in marketing, advertising, and public relations, administrators in education, managers in medicine, health, real estate, and accountants and auditors. In 1999, 10.6% of engineers, 24.5% of physicians,

women.⁴ Women were predicted to be the majority of law students entering law school in fall 2001.⁵ Today nearly 29% of licensed lawyers are women.⁶

Women have reached positions of power: women are U.S. Supreme Court justices (and judges at all levels of state and federal courts), have been the attorney general, the secretary of state, and the American Bar

16.5% of dentists, 42.4% of college and university teachers, and 45.1% of executive, administrative, and managerial positions were held by women. *Id.* Women, however, still make up 98.4% of the pre-kindergarten and kindergarten teachers, 83.8% of elementary teachers, 57.5% of secondary teachers, 93% of the registered nurses, and 71.4% of the social workers. *See also Maine to Equalize Faculty Pay*, CNN.COM, July 18, 2001 (explaining a study by a committee of University of Maine administrators and faculty evaluating salaries of men and women which found salaries differed an average of 2% or more. Pay raises are "on the way" for approximately 200 female faculty members in the University of Maine system where women earn lower salaries than their male counterparts with equal ratings in areas of rank, tenure, department, and qualifications).

The Women's Movement of the 1960s and 1970s promoted equal opportunities for women and men – equal pay for equal work and equal opportunity for hiring and advancement. All roles were theoretically open to educated women; however, educational and occupational opportunities were not equal for men and women. *See Patricia Graham, Women in Academe*, in *TOWARD A SOCIOLOGY OF WOMEN* 262 (Constantina Safilios-Rothschild ed., 1972). Women faculty at the university level comprised a small minority. About 18% of faculty in higher education, distributed mainly at small colleges and universities and in lower ranks of other institutions, were women. In the 1970s, 8% of law school students, less than 1% of engineers, 2% of executives, 5% of lawyers, and 7% of physicians were women. *See also BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, 1970 CENSUS OF POPULATION* 718-19, 792-93 (1973). In the 1970s, most women were employed in elementary school education, the nursing profession, and office work and sales.

4. *See A.B.A., FIRST YEAR ENROLLMENT IN ABA APPROVED LAW SCHOOLS 1947-2001 (PERCENTAGE OF WOMEN)*, at www.abanet.org/legaled/statistics/femstats.html (last visited Feb. 21, 2002) (reporting, in chart form, the percentage of women enrolled in American Bar Association-approved law schools from 1971 through 2000); *see also Sandra Janoff, The Influence of Legal Education on Moral Reasoning*, 76 MINN. L. REV. 193, 196 (1991).

5. *See Anemona Hartocollis, Justice Is Blind. Also, a Lady*, N.Y. TIMES, Apr. 1, 2001, at WK 3. Hartocollis questions whether women's "increased presence [will] make legal practice a kinder, gentler, more cooperative profession." *See also* DEBORAH L. RHODE, A.B.A. COMM'N ON WOMEN IN THE PROFESSION, *THE UNFINISHED AGENDA: WOMEN AND THE LEGAL PROFESSION* 5 (2001); Richard K. Neumann, Jr., *Women in Legal Education: What the Statistics Show*, 50 J. LEGAL EDU. 313, 345, 352 (2000) (discussing data that supports "the impression that women are welcome in legal education in subservient roles but otherwise are greeted, at best, with ambivalence;" and even though the majority of law students will soon be female, "there is statistical evidence that the pedagogical environment in law schools is not friendly to women."). The national statistics for the Fall 2001 entering class are in process by the American Bar Association Section on Legal Education and Admission to the Bar and the Association of American Law Schools statisticians. Based upon telephone interviews with Registrars from the three American Bar Association-approved San Diego law schools, the percentages of women entering law school, Fall 2001, were 56% at California Western School of Law, 49% at University of San Diego School of Law, and 41% at Thomas Jefferson School of Law.

6. *See Hope Viner Samborn, Higher Hurdles for Women*, A.B.A. J., Sept. 2000, at 30. *See also* RHODE, *supra* note 5, at 5 (at the turn of this century, almost a third of this nation's lawyers are women); Maryann Jones, *And Miles to Go Before I Sleep: The Road to Gender Equity in the California Legal Profession*, 34 U.S.F. L. REV. 1, at 1 (1999) (reporting that California continues to lead the nation in numbers of women in the legal profession and in providing opportunities for women in the legal profession).

Association president; and are senators, university presidents, chief executive officers, and leaders and managing partners of the country's largest law firms.⁷ However, women in the legal profession continue to be "underrepresented in positions of greatest status, influence, and economic reward."⁸

I have studied educated women and role conflict for twenty-five years.⁹ Role conflict was conceptualized, defined, and specifically measured for the research.¹⁰ Role conflict is a statistically significant difference between a woman's actual expressed role score on the Fand Inventory of Feminine Values Form A (a measurement on the rating inventory of how a woman perceives herself) and a woman's expressed role preference score on the

7. See *Scaling New Heights*, L.A. DAILY J., Dec. 28, 1998, Cal. L. Bus. Supp., at 13. Of California's ten largest firms, twelve women are in top management ranks. This article discusses Mary Bailey Cranston, chairperson, and Marina H. Park, managing partner (and officially on part-time status because of three children), of the 550-attorney Pillsbury Madison & Sutro (now Pillsbury Winthrop). Park's part-time status often means ten-hour days. Park said: "They can take me, warts and all, or not. I put my kids first." Cranston became chairperson of the board; Cranston said, "I guess our time has come." See also Melody Petersen, *Shattering the Glass*, N.Y. TIMES, Apr. 25, 1999, § 3, at 2 (describing 52-year-old chairwoman, Candace Krugman Beinecke, of New York's Hughes Hubbard & Reed which joins only three other firms among the nation's 100 largest firms managed by women. Mrs. Beinecke says "women should be tenacious, always do a bit more than clients expect and not try to be one of the boys if that isn't their style." She says law firms have made great strides since she graduated from Rutgers University School of Law in 1970).

8. See RHODE, *supra* note 5, at 5. Women lawyers "account for only about fifteen percent of federal judges and law firm partners, ten percent of law school deans and general counsels, and five percent of managing partners of large firms. On average female lawyers earn about \$20,000 less than male lawyers." *Id.*

9. See Slotkin, *supra* note 1, at 18-27 (for a review of the literature on the development of role theory, a summary of the research on role theory, feminine roles, and role conflict, and a summary of articles and dissertations where researchers use the Maferr Inventory of Feminine Values as one assessment of the feminine role).

10. Jacquelyn H. Slotkin, *Role Conflict Among Selected Anglo and Mexican-American Female College Graduates* (1976) (unpublished Ph.D. dissertation, Univ. of Arizona) (on file with author). Alexandra Fand developed the Fand Inventory of Feminine Values [hereinafter Inventory of Feminine Values, or the Inventory] for her thesis research in partial fulfillment of her Ph.D. at Cornell University. See Alexandra Fand, *Sex Role and Self Concept: A Study of the Feminine Role as Perceived by Eighty-five College Women for Themselves, Their Ideal Woman, the Average Woman, and Men's Ideal Woman* (1955) (unpublished Ph.D. dissertation, Cornell Univ.) (on file with Cornell Univ. library). Anne Steinmann and Alexandra Fand copyrighted the Inventory in 1973 and renamed it the Maferr Inventory of Masculine and Feminine Values.

The term "role conflict" has been variously defined by sociologists and other researchers. Role conflict includes: divergent role conceptions held by the same individual, inconsistencies between role expectations or obligations, conflicting role expectations, incompatible role behaviors, and role strain. See Margaret M. Poloma, *Role Conflict and the Married Professional Women*, in TOWARD A SOCIOLOGY OF WOMEN 187 (Constantina Safilios-Rothschild ed., 1972). See also JUDITH BARDWICK, PSYCHOLOGY OF WOMEN 156-79 (1971) (defining role conflict for a woman as "the feeling of having been arbitrarily shut out from where the action is - a reaction to a romanticized concept of work and a reaction against the reality of the repetitive world of child care." When she studied achievement motives in college women, the most relevant variables were sex-role identity and sex-role conflict. Females had consistently higher anxiety scores that Bardwick explained as fear of failure.)

Fand Inventory of Feminine Values Form B (a measurement on the rating scale of how a woman perceives her "ideal" woman which may or may not correspond with actual expressed role). In 1976, I studied college-educated women, Mexican-American and Caucasian.¹¹ Most were employed in education, nursing, and social work.¹² I found study respondents were experiencing significant role conflict.¹³ Based upon research data, I predicted optimistically that in succeeding decades, women would participate fully as professionals and leaders without role conflict.¹⁴

Because I had received my law degree and practiced in San Diego, in 1996, I collected data to examine role conflict experienced by women attorneys, of different ethnicities, living and working in the seventh largest city in the United States, San Diego, California.¹⁵ The purpose of the 1996 study was to determine if a randomly selected sample of women lawyers was experiencing role conflict. I assumed women lawyers would be content with their roles, both professional and personal.¹⁶ The statistics and demographic comparisons from this research supported this prediction; however, there was role conflict, though significantly less than found in the 1976 study.¹⁷

Today, women lawyers combine marriage, family, and rewarding careers. Some are experiencing role conflict; some are not.¹⁸ The purpose of this study was to explore the quality of the professional and the personal lives of women lawyers in San Diego who had participated in the 1996 empirical study. I interviewed a selected sample of the 1996 survey respondents in all categories: from those experiencing no role conflict to significant role conflict; in all types of law practice; single, divorced, married/domestic partners; with and without children; older and younger women lawyers. I found women were competently doing it all – balancing marriage, family, community, and rewarding careers.

The women interviewed in San Diego shared their personal and professional lives with me. Part I examines the most recent articles and research on women lawyers, role conflict, and the legal profession today. Included in the review of the literature are surveys by the American Bar

11. See Slotkin, *supra* note 10.

12. *Id.* at 69-70, 111 (17% of Caucasian women were housewives only; 4.8% of Mexican-American women were housewives only).

13. *Id.* at 108-11. See also Slotkin, *supra* note 1, at 19. For purposes of both the 1976 and 1996 research studies, the following assumptions were made: 1) each woman has a perception of her own female role which she can identify; and 2) the Inventory of Feminine Values for investigating female roles and measuring the degree of other-orientation (women who fulfill themselves through others) and self-orientation (women whose fulfillment in life is by self-actualization) was appropriate to and inclusive for these studies of role perception and role conflict.

14. Slotkin, *supra* note 10, at 105-15.

15. See Slotkin, *supra* note 1.

16. *Id.* at 13.

17. *Id.* at 38.

18. *Id.* at 32-37.

Association's Commission on Women in the Profession, by the ABA Journal, and by the San Diego Lawyers Club Equality Task Force. Part II summarizes and analyzes the role perceptions and demographic data collected from the 1996 sample of female attorneys in San Diego. The data showed women lawyers were encountering the stresses and demands of combining multiple roles.

Part III describes and summarizes interviews with selected women participants from the 1996 study who were experiencing all levels of role conflict while combining careers, family, and community responsibilities. All the women interviewed loved law practice and were managing the stress of juggling multiple roles. Many have done this by changing career paths during their professional lives. Certain themes evolved through the interviews: when women had children; what maternity leave policies were offered; who does or did take care of children; and what types of law women had practiced and are practicing today. Part IV offers conclusions and suggestions for a better, more satisfying, balanced future for women professionals. Women can have it all, though all is measured by each woman's perception of ambition, success, and productivity.

I. REVIEW OF THE LITERATURE: WOMEN LAWYERS, GLASS CEILINGS, AND PROGRESS

The number of women lawyers has increased dramatically in the past twenty years.¹⁹ Nationally, almost thirty percent of lawyers are women. However, only 11% are partners in the nation's 250 largest firms,²⁰ 22.5% are full professors in law schools, 11% are law school deans, and 8% are members of the federal bench.²¹

19. See A.B.A., *supra* note 4. Forty-eight percent of law students are women. See also Neumann, *supra* note 5, at 314-18; A.B.A. SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, A REVIEW OF LEGAL EDUCATION IN THE UNITED STATES: FALL, 1990, LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS 66 (1990). Nationally, 80% of the women lawyers have entered the profession since 1970. More than 70% of the women are under forty years of age (compared with 43% of the men.). More than 92% have graduated since 1975 (comparable numbers for male: 31.5% graduated 1975-1989). See Ann J. Gellis, *Great Expectations: Women in the Legal Profession, A Commentary on State Studies*, 66 IND. L.J. 941, 942 (1991). Her Indiana demographics mirror data reported in the 1988 A.B.A. report and statistical data from California, Maryland, Massachusetts, and New Hampshire.

For a history of America's first female lawyers, see JoEllen Lind, *Symbols, Leaders, Practitioners: The First Women Professionals*, 28 VAL. UNIV. L. REV. 1827 (1994).

20. CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* 427 (2d ed. 1993).

21. See AM. ASS'N OF LAW SCHOOLS, ALL FACULTY IN THE 1999-2000 DIRECTORY OF LAW TEACHERS BY ETHNIC GROUP AND GENDER, at www.aals.org/statistics/T1B.htm (Table 1B 1999-2000); RHODE, *supra* note 5. See also Deborah L. Rhode, *Gender and Professional Roles*, 63 FORDHAM L. REV. 39, 59 (1994); Ruth Bader Ginsburg & Laura W. Brill, *Women in the Federal Judiciary: Three Way Pavers and the Exhilarating Change President Carter Wrought*, 64 FORDHAM L. REV. 281, 287-88 (1995) (reporting that President Carter changed the face of the federal bench when he appointed forty women to lifetime federal judgeships and President Clinton nominated forty women in his first two years of his presidency); Robert L. Nelson, *The Futures of American Lawyers: A*

Progress has been slow for women both at the partnership level and at the associate level. Female lawyers earn substantially less and express more dissatisfaction with practice than their male counterparts,²² and women find themselves experiencing conflicts between career and family.²³ Though women are entering the associate ranks in law firms in greater numbers, many are leaving before reaching the partnership level.²⁴ Women lawyers with children are a minority.²⁵ The work cycle of the typical lawyer, particularly the big firm lawyer, seems incompatible with the

Demographic Profile of a Changing Profession in a Changing Society, 44 CASE W. RES. L. REV. 345 (1994); Miriam Goldman Cedarbaum, *Women on the Federal Bench*, 73 B.U. L. REV. 39, 42 (1993); Judith Resnik, *Ambivalence: The Resiliency of Legal Culture in the United States*, 45 STAN. L. REV. 1525, 1534-35 (1993); Judith Resnik, *Gender Bias: From Classes to Court*, 45 STAN. L. REV. 2195, 2207 (1993) (reporting that women are invisible in the federal courts).

22. See A.B.A. REPORT, UNFINISHED BUSINESS: OVERCOMING THE SISYPHUS FACTOR 9 (1995) (for lawyers in practice 1-3 years, women earn \$30,806 and men earn \$37,500); Rebecca Korzec, *Working on the "Mommy-Track": Motherhood and Women Lawyers*, 8 HASTINGS WOMEN'S L.J. 117, 127 (1997) ("Mommy tracking" leads to second-class citizenship; and quoting Joan C. Williams, *Deconstructing Gender*, 87 MICH. L. REV. 797 828 (1989) who predicts that "mommy-tracking" will reinforce law firms' exploitation of women: firms will be "top heavy with men and childless women supported by a pink-collar ghetto of mommy-lawyers" who have no equity partnership status); see also Deborah K. Holmes, *Structural Causes of Dissatisfaction Among Large-Firm Attorneys: A Feminist Perspective*, 12 WOMEN'S RTS. L. REP. 9, 20-23 (1990).

23. See Cynthia Fuchs Epstein et al., *Glass Ceilings and Open Doors: Women's Advancement in the Legal Profession A Report to the Committee on Women in the Profession*, *The Association of the Bar of the City of New York*, 64 FORDHAM L. REV. 291 (1995) (documenting the advancement of women in eight large, corporate New York firms); see generally RHODE, *supra* note 5, at 60. See also Ann J. Gellis, *Great Expectations: Women in the Legal Profession, A Commentary on State Studies*, 66 IND. L.J. 941, 972 (1991). Gellis summarizes the findings of the Indiana Bar's survey of members of the Indiana bar. "Disparate treatment of men and women is found in the courtroom, in salary levels, in opportunities for advancement, and in the day-to-day interchange among colleagues. Most women perceive gender bias; most men do not." Significant numbers of women report overt discrimination, including physical and verbal sexual harassment and more subtle forms of discrimination in terms of attitudes and perceptions about women lawyers. See also Nancy E. Dowd, *Work and Family: The Gender Paradox and the Limitations of Discrimination Analysis in Restructuring the Workplace*, 24 HARV. C.R.-C.L. L. REV. 79 (1989).

24. See Laura Mansnerus, *Why Women Are Leaving the Law*, WORKING WOMAN, Apr. 1, 1993, at 64. Women are quicker to leave big city law firm jobs than men. The stock explanation that women quit to stay home with children is not borne out by the data from an A.B.A. survey. Ninety-five percent of women lawyers return to work in one year after having a child. Family life is a strong incentive; however, something more fundamental is making women walk away — women want social purpose in their work and are more "adept at revising their life plans." See generally Jill Abramson, *For Women Lawyers, an Uphill Struggle*, N.Y. TIMES, Mar. 7, 1988, § 6 (Magazine), at 36 (describing women's progress and the career-family conflicts at Skadden, Arps, Slate, Meagher & Flom in New York City). See also Deborah K. Holmes, *Structural Causes of Dissatisfaction Among Large-Firm Attorneys: A Feminist Perspective*, 12 WOMEN'S RTS. L. REP. 9, 13 (1990). Women are also dissatisfied because of overwork, the hierarchy, bureaucracy and specialization in law, and moral conflict. See also Jodi S. Coviello, *Family and Career: Part-Time Work Can Provide the Balance*, MONT. LAWYER, Nov. 1994, at 13.

25. See generally Abramson, *supra* note 24.

fertility-birth-child-rearing cycles of most women's lives.²⁶ The legal system seems geared toward lawyers with little or no childcare responsibilities.²⁷

While female and male lawyers must work hard to be successful, society continues to place most of the responsibilities for child-care and homemaking on the woman.²⁸ The work-family conflicts continue, even as women are "crashing through"²⁹ the glass ceiling. Motherhood issues present problems for women lawyers. Most women practicing today were admitted after the 1970s.³⁰ Women lawyers, therefore, tend to be in their thirties and forties – the childbearing time frame.³¹ Motherhood for professional women has created compelling issues, documented in the media and in the courtroom: child custody and custody reform, part time work and "mommy tracking," and divorce and support.

Combining work and motherhood has become treacherous.³² In the 1980s, sociologist Arlie Hochschild's study of fifty California working couples described working mothers who work at their jobs, then come home and perform another shift doing housework and child care.³³ In the 1990s, mothers, to be good parents (and fit the gender-based and now court-created stereotype), had to pick up their children from school, carpool children's activities, put children to bed, and organize family events.³⁴ When lawyer-mothers cannot be available (for activities during and after school, to take children to doctor and dental appointments, to attend birthday parties), they are losing custody of their children. Marcia Clark's child custody battle became a public spectacle during the O.J. Simpson trial.³⁵ Sharon Prost, chief counsel for the Republicans on the Senate

26. See Carrie Menkel-Meadow, *Culture Clash in the Quality of Life in the Law: Changes in the Economics, Diversification and Organization of Lawyering*, 44 CASE W. RES. L. REV. 621, 647 (1994). See also Dowd, *supra* note 23, at 126.

27. See generally Korzec, *supra* note 22, at 127; see also Amee McKim, *The Lawyer Track: The Case for Humanizing the Career Within a Large Law Firm*, 55 OHIO ST. L.J. 167, 175 (1994) (describing the lawyer's struggle and stress to balance work and family).

28. See Suzannah Bex Wilson, *Eliminating Sex Discrimination in the Legal Profession: The Key to Widespread Social Reform*, 67 IND. L.J. 817, 842-44 (1992). Wilson offers solutions such as parental leaves, flexible work schedules, abandoning the "mommy track," and child care to enable workers of both sexes to better combine work and personal lives and to reduce dissatisfaction among attorneys. See also RHODE, *supra* note 5, at 10.

29. See *Scaling New Heights*, *supra* note 7.

30. Korzec, *supra* note 22, at 124.

31. *Id.* (observing that women in their thirties and forties are combining career goals with families, "balancing the demands of career and family within a brief window of time.").

32. See generally DANIELLE CRITTENDEN, *WHY HAPPINESS ELUDES THE MODERN WOMAN* (1999).

33. ARLIE HOCHSCHILD WITH ANNE MACHUNG, *THE SECOND SHIFT: WORKING PARENTS AND THE REVOLUTION AT HOME* 230 (1989).

34. See D. Kelly Weisberg, *Professional Women and the Professionalization of Motherhood: Marcia Clark's Double Bind*, 6 HASTINGS WOMEN'S L.J. 295, 328 (1995).

35. *Id.* at 298-301.

Judiciary Committee, lost custody of her two children to her husband.³⁶ Alice Hector, a senior trial attorney at a large Miami law firm, lost her custody battle to her ex-husband.³⁷ These women are high profile examples of the tension between the dual roles of lawyer and mother

According to the National Association for Law Placement's 1997 report, although 92.2% of 500 law firms surveyed offer part time tracks, only 2.6% of attorneys take advantage of part time.³⁸ Women lawyers fear part time practice will jeopardize their chances for advancement and for partnership.³⁹ Women lawyers feel extraordinary pressure to compete in this traditionally Caucasian male-dominated field.⁴⁰ Chief Justice of the New Jersey Supreme Court says that women begin with the concept of "trying to have it all."⁴¹ Then women learn that juggling multiple roles requires balance in life.⁴² Some commentators suggest women have to stop believing they can have it all.⁴³ A 2000 A.B.A. Journal poll of male and female lawyers suggests women are "losing ground" and are less optimistic about professional opportunities than they were in 1983.⁴⁴ Almost 57% of female lawyers in 2000 believe they have to work harder than male lawyers to get the same results (38% in 1983). And 24.6% of female lawyers

36. *Id.* at 302.

37. See Colleen D. Ball, *Victims of the "Mommy Track"*, A.B.A. J., Oct. 1988, at 116. Alice Hector, a Miami lawyer who lost primary custody of her children to her ex-husband because of her long hours, quit her job as partner at a high-powered law firm and opened her own law firm because she wanted to be able to leave work early a couple of afternoons a week to be with her two young girls. Her husband had been unemployed for several years and had become the main childcare provider because of her late hours. She appealed the appellate court's ruling, and the court reinstated the trial court's decision granting her primary custody. See *Young v. Hector*, 740 So. 2d 1153 (Fla. Dist. Ct. App. 1998). See also Craig Nickerson, *Gender Bias in a Florida Court: "Mr. Mom" v. "The Poster Girl for Working Mothers"*, 37 CAL. W. L. REV. 185 (2000) (summarizing how "gender bias in Florida's courts adversely affected the Hector/Young family, and on a national level the decision [was] harmful to men, women and children.").

38. See Ball, *supra* note 37. See also Samborn, *supra* note 6, at 32.

39. *Id.* at 32 (stating that according to 46.1% of female lawyers responding to an A.B.A. Journal survey: "a lawyer who takes a leave of absence or switches to part time status is 'very likely' to adversely affect chances for advancement.").

40. See *Female Lawyers Less Cynical, More Tired, Study Finds*, ST. PETERSBURG TIMES (Fla.), June 13, 1994, at 9. In her study of male and female lawyers, Dr. Kecia Thomas of the University of Georgia found female lawyers expressed more emotional exhaustion than their male counterparts.

41. Chief Justice Deborah T. Poritz, *Balancing Law and Motherhood: It Can Be Done*, N.J. LAW., July 13, 1998, at 7.

42. *Id.*

43. Naomi Freundlich, *Maybe Working Women Can't Have It All*, BUS. WK., Sept. 15, 1997 (reviewing ELIZABETH PERLE MCKENNA, *WHEN WORK DOESN'T WORK ANYMORE: WOMEN, WORK, AND IDENTITY* (1997), and JOAN K. PETERS, *WHEN MOTHERS WORK: LOVING OUR CHILDREN WITHOUT SACRIFICING OUR SELVES* (1997)). Peters' book is based on the concept that women should work (work is the key to self-esteem and intellectual satisfaction in addition to helping pay the bills) and that women can get great satisfaction on the job while raising well-adjusted children.

44. Samborn, *supra* note 6, at 30-32. In this 2000 survey, the A.B.A. Journal polled 625 lawyers, 423 of whom were women. The survey results "suggest that bias, however subtle, continues to make the workplace less hospitable for female lawyers." *Id.*

believe they are treated differently than men in 2000 (17% in 1983). Women attributed the different treatment to “gender differences, disapproval of time spent on family matters, attitudes toward women in general, and male domination of the profession.”⁴⁵

One of the strongest voices for women and president of the “negligent mothers club,” Susan Estrich, wrote a book about why women do not have more power.⁴⁶ Ms. Estrich’s message to women is simple: how can women take over when they are dropping out. “You can’t change the rules if you’re not in the room. You can’t finish a revolution without getting in there and fighting.”⁴⁷

The 1990 report of the American Bar Association’s Commission on Women in the Profession⁴⁸ found gender discrimination endemic.⁴⁹ The report recognized the legal profession was stratified by sex, with women on the lower levels.⁵⁰ In response to this information, more than thirty states and two federal jurisdictions commissioned Gender Bias Task Forces to study bias and discrimination in the practice of law. The American Bar Association developed a Commission on Minorities in the Profession⁵¹ to identify problems encountered by minority lawyers.⁵² The 2001 report of

45. *Id.* at 32.

46. SUSAN ESTRICH, *SEX & POWER* 16-17 (2000). Ms. Estrich is a former tenured Harvard Law School professor, author of five books, nationally syndicated columnist, television commentator, and now professor of law and political science at University of Southern California.

47. *Id.* at 76. Estrich is discouraged that educated women are choosing family over work stating “that decision tends to have lasting consequences.” *Id.* “Women take themselves out of the running.” *Id.* at 10. The younger generation of women continue to “put aside their ambitions for their families.” *Id.* at 253. According to Paramount chief, Sherry Lansing, “You can have two out of three: take your choice: husband, kids, top job; however, if you pick kids, your chances of the top job go way down.” *Id.* at 91.

48. A.B.A. COMM. ON WOMEN IN THE PROFESSION, *LAWYERS AND BALANCED LIVES: A GUIDE TO DRAFTING AND IMPLEMENTING WORKPLACE POLICIES FOR LAWYERS* (1990). This report includes discussions of and sample policies for parental leave and alternative work schedules. The American Bar Association Commission on Women in the Profession was established in August 1987 to study the progress and status of women lawyers. The Commission’s chair was Hillary Rodham Clinton. The Commission’s report first documented endemic gender bias throughout the profession. Stephanie Benson Goldberg, *ABA Resources for Women Lawyers*, A.B.A. J., June 1988, at 55.

49. A.B.A. COMM. ON WOMEN IN THE PROFESSION, *supra* note 48. *See also* Steven Keava, *Bias As Usual for Women*, A.B.A. J., Mar. 1996, at 103.

50. *See* A.B.A. Report, *supra* note 22, at 7.

51. This commission was modeled on the A.B.A. Commission on the Status of Women in the Profession.

52. *See* Epstein et al., *supra* note 23, at 324, 438. According to a 1991 National Law Journal survey, 44 of the largest 250 firms had no partners of color and 61 had only one. Rita Hensley Jensen, *Minorities Didn’t Share in Firm Growth*, NAT’L L.J., Feb. 19, 1990, at 1. *See also* Evantheia Schibsted, *Out In the Cold: Minority Attorneys Are Last-Hired, First-Fired*, CAL. LAW., Apr. 14, 1994, at 22. *See also* RHODE, *supra* note 5, at 5 (stating that underrepresentation of women of color is greater than for all women because women of color account for only 3 percent of the profession. This small percentage limits the information available from their experiences.).

the American Bar Association Commission on Women in the Profession,⁵³ found women continue to face a workplace that fails to accommodate a balanced life.⁵⁴ Two-thirds of surveyed lawyers reported work/family conflicts.⁵⁵

The California Bar reports a total membership of 178,222 members, 32% of whom are women.⁵⁶ The San Diego County Bar Association has 5938 lawyer members, 1894 women (31.2%) and eight of sixteen board members are female.⁵⁷ The Lawyers Club⁵⁸ Equality Task Force summarized the slow progress of female attorneys in the San Diego legal community in its eleventh annual survey of employment and promotion of women attorneys in San Diego's private firms (law firms with fifteen or more attorneys were invited to participate) and public agencies. The percentage of female partners in San Diego's largest firms was 21% in spring 2001, an increase of 3% from the 2000 survey.⁵⁹ However, the percentage of female partners has risen only 7% between 1992 (the first year the survey was conducted) and 2000.⁶⁰ Similarly in the public sector, the survey results were disappointing. Though 45% of attorneys at public agencies are female, the number of women in top-level positions dropped by 9% from the 2000 survey.⁶¹ Fourteen percent of agency heads were female.⁶² (The public sector more closely mirrors the percentages of women graduating from law school than the private sector.)⁶³

This review of recent literature documents increased opportunities for women lawyers, but the articles and surveys caution that the legal

53. RHODE, *supra* note 5.

54. *Id.* at 6.

55. *Id.*

56. *Survey Finds Bar Makeup Is Shifting, But Slowly*, CAL. BAR J., Nov. 2001, at 1 (giving a demographic profile of California lawyers and stating the number of women members of the State Bar rose from 26% to 32% in the past ten years, based upon a survey conducted summer 2001). California Bar membership is 178,222 (as of January 1, 2002) of which there are 140,485 active members, 37,737 inactive members, and 1,862 judges. CAL. BAR J., Feb. 2002, at 1. The executive director of the California Women Lawyers (state-wide voluntary bar), Glenda Haggemaker, stated current membership of one thousand. The goal of the California Women Lawyers is to advance women in the legal profession.

57. Information provided by Sheree Swetin, Executive Director of the San Diego County Bar Association, a voluntary bar.

58. The Lawyers Club of San Diego, a voluntary bar association, was founded in 1972 by a small group of women whose goal was to advance the status of women in the legal profession. Currently, membership is 842 of which 80% are female (including state and federal court judges, law school faculty, city and county commission members, law students, and practicing lawyers).

59. Stacy L. Fode, *2001 Equality Task Force Survey Results: Slow Pace for Women in San Diego*, LAWYERS CLUB NEWS OF SAN DIEGO, July 2001, at 6 (stating that "a closer look at the underlying numbers indicates that female attorneys may merely be benefiting from a decrease in overall partners in San Diego firms participating in the survey.").

60. *Id.*

61. *Id.*

62. *Id.*

63. *Id.*

profession needs to continue to change to accommodate a balanced life for women professionals. Women struggle to balance the multiples roles of spouse, mother, and career.

The 1976 empirical research showed role conflict was a reality for college-educated women. I predicted succeeding generations of professional women would participate fully as professionals and leaders throughout the country without experiencing role conflict. Twenty years later, I surveyed a population of women lawyers in San Diego, California, to see if my predictions were valid. I found women lawyers were experiencing role conflict, though significantly less than the 1976 population.

II. THE 1996 STUDY

Because I had received my law degree and had practiced law in San Diego, I focused my follow-up research on women lawyers in San Diego. I included a more ethnically diverse population and focused on professional women, their conflicts and solutions. The procedures used in the 1996 study will be described briefly in the following two sections: 1) a description of the sample population and the instruments used; and 2) an analysis of the data collected.⁶⁴

A. THE POPULATION AND INSTRUMENTS

In 1995, I mailed 241 sets of instruments,⁶⁵ the modified Inventory of

64. Hypotheses were tested using the t-test and the matched pairs t-test to determine if performance differences on the Inventory between the groups of subjects were significant. The t-test determines whether the means of two groups are statistically different from each other (appropriate analysis when you compare means of two groups). The t-test was used as a statistical treatment of those hypotheses that required testing of whether or not the differences between the sample means under investigation were significant. Mean differences between various measures of actual expressed role, expressed role preference, and role conflict scores were examined as a function of ethnic group membership and various demographic dependent variables (e.g., legal employment, date of law school graduation, married/single). Matched pairs t-test was used to intragroup comparisons where each subject was compared with herself on two variables.

Where statements are made that two given population means are different, statistics tell you the likelihood of erroneously making such a statement. Where there is a small likelihood of error (for example, less than 1%) in stating that two means are different, the difference in the population means is statistically significant. The likelihood of error or probability factor that the difference was due to chance is represented by p. The lower the p value, the more confidence one may have in saying that the two means are different.

Where small differences in means are seen or large standard deviations are present, it takes larger samples to detect statistically significant differences. Where large samples are not available, one readily states that the difference in means is not statistically significant, thereby possibly dismissing the chance that the means do, in fact, differ.

For a full data analyses including a description of the study sample, population description, research methodology, instruments, and summary of demographic data, *see* Slotkin, *supra* note 1, at 32-37.

65. *Id.* at 32. A cover letter informed women of the purpose of the study and requested they complete and return the enclosed materials in the stamped, addressed envelope. I promised anonymity to all participants. Only I had access to the statistical data. The

Feminine Values Forms A and B⁶⁶ and a personal data form⁶⁷ to female attorneys in San Diego, California. Alexandra Fand developed the Inventory of Feminine Values to assess college women's perceptions of the female role. Each form of the inventory consists of a list of thirty-four items which are value-charged statements bearing on women's needs, rights, and obligations in her relationship with men, children, and the world in general. Half of the items are phrased to meet with the agreement of the other-oriented woman (traditional housewife-mother, family-oriented role). The other half is stated to correspond with the self-oriented woman (achievement, career-oriented role).⁶⁸

The score on the Inventory represents the difference in strength of agreement with the seventeen family or other-oriented items and the seventeen self-achieving or self-oriented items. Forms A and B of the Inventory included the same questions; the questions were reordered with a different heading. Form A's instructions are: "Please respond to the following questions with your true opinion. Keep in mind the way you really are."⁶⁹ Form B's instructions are: "Think of the woman you would

estimated time to complete the questionnaire and inventories was twenty minutes.

66. See Fand, *supra* note 10.

My modified forms of the Inventory, see Slotkin, *supra* note 1, at 42-46, consisted of substantively the same thirty-four statements devised by Alexandra Fand for her 1955 doctoral thesis. I simplified and updated the language of the questions. Karen Bogard, Ph.D., director of the Maferr Foundation, gave me permission to use the simplified and updated Maferr Inventory of Masculine and Feminine Values. The Maferr Foundation has been conducting research for over forty-five years using this Inventory in multiple forms.

A respondent indicated on the Inventory the strength of her agreement or disagreement to each statement on a five-point Likert scale. The five categories of possible response include: strongly agree, agree, don't know/no opinion, disagree, or strongly disagree. A validity check was built into the instrument. The same idea is expressed in two different ways. Some items are presented as axioms ("marriage and children should take precedence over anything else in a woman's life"); others as "substantiated statements" ("it is a matter of common observation that the women who are less attracted to men are the ones who are more ambitious in their careers"); others again are presented as feelings ("I sometimes feel that I have to do everything myself, that I can accept nothing from others").

A respondent who took equal but opposite positions each time would have a score of zero; a respondent who consistently took diametrically opposite positions on each item would have a score of -85 if she always took the strongest possible other-oriented position, and a score of +85 if she always took the strongest possible self-oriented position. Positive scores between zero and +85 represented degrees of self-orientation; negative scores between zero and -85 represented degrees of other-orientation. The order of the questions was scrambled on the two forms to discourage comparisons between the responses to the same item on Forms A and B. The content order was the same: one other-oriented question, then a self-oriented question.

Fand's Inventory was standardized on a college-age population. Anne Steinmann piloted her study with women whose ages ranged from twenty-eight to fifty-three in order to determine the Inventory's applicability to an older population. A t-test was utilized to determine the significance of the difference between the means of the Fand college group and the means of the pilot group. On the basis of statistics, the test appeared appropriate for older populations.

67. Slotkin, *supra* note 1, at 40-41.

68. *Id.* at 42-46.

69. *Id.* at 42 (emphasis omitted).

prefer to be, your ideal woman, and respond to each statement as you believe she would.”⁷⁰ I calculated three scores for each respondent: a score for Form A (actual expressed role), a score for Form B (expressed role preference), and a score calculated by subtracting the scores on Form A from Form B (role conflict score). A statistically significant difference in the scores on the two forms of the Inventory was an indicator of role conflict. For the 1996 population, the t-test and the matched pairs t-test were used to evaluate the significance of the differences between the means obtained from Form A and Form B of the Inventory.⁷¹

The attorneys were randomly selected⁷² from membership lists of various minority bar associations⁷³ and from the 1995 San Diego County Attorney Directory.⁷⁴ Thirty-nine sets were returned unopened which reduced the population to 202 attorneys. One hundred thirteen attorneys (55.9%) returned the completed inventories and questionnaire.⁷⁵ Seven additional responses were received after data collection and statistical analyses, for a total return of 59.4%.⁷⁶ I coded each set of returned instruments by ethnicity, then scored each set of instruments using the Maferr Foundation scoring form.⁷⁷ All demographic information was entered onto spread sheets.

B. ANALYSIS OF THE DATA

1. Demographic

One area of analysis focused on the demographic data collected.⁷⁸ The 113 respondents ranged in age from twenty-seven to sixty-six years.⁷⁹ One

70. *Id.* at 44 (emphasis omitted).

71. *See supra* note 64.

72. The subjects included women of all ages and ethnicities; graduates of various law schools with differing years of graduation; diverse areas of legal employment including judges, law school professors, firm practice, sole practitioners, of counsel, corporate in-house counsel, and public agencies, banking, business, and industry.

73. Earl B. Gilliam Bar Association, La Raza Bar Association, and Pan Asian American Bar Association.

74. 1995 ATTORNEY DIRECTORY OF SAN DIEGO COUNTY (Michele Taylor ed., 38th ed. 1995). The Directory lists members of the bench and the California Bar practicing in San Diego County with pictures, law schools, and employment information.

75. Nine African American women, thirteen Asian American women who included two Filipina attorneys, eleven Latina women, and eighty Caucasian women returned the instruments. Though I had randomly chosen women based upon surname and photographs from the Lawyer Directory, the ethnic group categorization (African American, Asian American, Hispanic, and Caucasian) was self-identified by each respondent for purposes of statistical analyses.

76. Given the population (working women) and the response to the mailing (almost a 60% return), I did not send follow-up letters or additional instruments to non-respondents.

77. *See* Slotkin, *supra* note 1, at 46. This was an investigation of an individual's perception of her actual expressed role (perception of self) as measured by the Form A of the Inventory and her expressed role preference (perception of ideal) as measured by Form B of the Inventory.

78. For a full summary and analysis of this data, *see* Slotkin, *supra* note 1, at 33-35.

79. African American respondents ranged in age from 32 to 62 years, Asian American

hundred women (88.4%) were born in the United States.⁸⁰ Thirty-two women were Catholic, thirty-eight Protestant, eighteen Jewish, and twenty-five "other."⁸¹ Before law school, women had been teachers and college professors, secretaries, paralegals, nurses, accountants, and social workers.⁸²

All respondents were female lawyers with earned juris doctorates who had graduated from law school between 1965 and 1992. In addition, four had earned master of laws in taxation and one in international law. Seven had master's degrees in non-law areas. The majority of the women had majored in political science, English, history, sociology, and psychology as undergraduates.⁸³

Seventy-five women (66% of respondents) identified themselves as married or same-sex domestic partners; their relationships ranged from one to forty-eight years.⁸⁴ Of those who identified their status as married/same-sex domestic partners, forty-three were married (or had been married) or were same-sex domestic partners with an attorney, judge, or law school professor.⁸⁵ Twenty-four of the respondents who identified themselves as

women from 32 and 64, Latina women from 27 and 51, and Caucasian women from 27 and 66 years.

80. Sixteen mothers and nineteen fathers of respondents were born outside the United States. One African American woman (1 of 9) was born in Italy. Five Asian American women (5 of 13) were born outside the United States, one each in Korea, Japan, Hong Kong, China, and the Philippines. Three Latina Women (3 of 11) were born outside the United States, two in Mexico and one in El Salvador. Three Caucasian women (3 of 80) were born outside the United States, one in the United Kingdom, one in Canada, and one in Sweden.

81. Slotkin, *supra* note 1, at 33 n.143.

82. In addition, women had worked full and part time in clerical positions (4), in real estate (3), medical laboratories (2), banks (4), and sales (7). Prior employment included: government employee (3), tutor, x-ray tech, Avon lady, engineer, waitress (3), restaurant manager, tax preparation, oil and gas exploration, technical writing, computer operator (2), data entry, financial analyst, research analyst, public relations (2), pension plan administrator, airline ticket agent, travel agent, financial analyst, financial consultant, copy editor, criminal investigator, army officer, farm worker, loan collector, office manager, research biologist, counselor (mentally ill, physically disabled, and residential drug treatment), day labor, dairy supervisor, hair stylist, lifeguard, bartender, bellydancer, and a windsurfing instructor. Prior to their legal careers, nine women stated they had never worked outside the home.

83. Of the 113 respondents, 18 did not indicate an undergraduate major. Undergraduate majors included, in addition to the specified categories: accounting, anthropology, economics, nursing, telecommunications and communications, business administration, government, dairy science, public administration, criminal justice, food service, engineering, Latin American studies, various languages, liberal arts, mathematics, theater arts, philosophy, international relations, journalism, chemistry, biology, American studies, and marketing.

84. See Slotkin, *supra* note 1, at 34 n.147. Three women (3/75) self identified as same-sex domestic partners in this category; therefore, no separate data analysis was possible because of the small sample size.

85. *Id.* at 34. The majority of respondents' spouses/same-sex domestic partners were attorneys. In addition, spouses/domestic partners were: medical doctors (7), university professors (3), teachers (2), land use planners (2) electrician, real estate broker, commercial real estate, video technician, sales (2), business owners (2) entrepreneur, nursery person,

married/same-sex domestic partners, remarried, or divorced had no children; 63.7% of all respondents had children – twenty-six had one child (and two were expecting their first child), twenty-six had two children, eleven had three children, four had four children, and one had five children.

Ninety-nine percent (112/113) of respondents were working.⁸⁶ Almost half the respondents had never taken a leave of absence or any significant time away from their law careers.⁸⁷ I compared the demographics of women experiencing no role conflict (no role conflict meaning no

criminal investigator, construction (2), engineers (2), government manager, manager of a company, CPA, director of biology research, training director, social worker, law enforcement, carpenter, student, retired military (2), federal agent, television producer, administrator, water quality specialist, computer programmer, clinical psychologist, union organizer, publisher, parts counter person, and park engineer.

86. All African American, Asian American, and Latina respondents worked full time (at least thirty-five hours per week). Fourteen Caucasian respondents worked part time (from eight to thirty hours per week). Nine women worked part time to care for children and one to care for an elderly husband. Only one woman was not working in law; she was volunteering in her children's school and in her church. Three Caucasian respondents who stated they worked less than full time were sixty-four years old, fifty-seven, and fifty-five; however, all continued to work (from eight hours to "somewhat less" than forty-hour weeks).

Most respondents (86.7%) work from thirty-five to sixty hours per week, volunteer from two to ten hours (mediation, AIDS Foundation, community boards, speeches, editing newsletters, church activities, special education, delinquency), consult, take required continuing legal education, and spend anywhere from "as little as possible" to 128 hours per week as wives/domestic partners and mothers.

Legal Employment by Ethnicity

	Number	Judge	Professor	Public Law	Firm	Sole Practitioner	Corporate/ In House	Other*
African American	9	2	1	2	1	2	1	0
Asian American	13	2	0	3	5	2	1	0
Latina	11	1	1	4	4	1	0	0
Caucasian	80	2	13	24	17	16	6	2

*Other includes an attorney working as a property manager and an attorney presently not working.

87. When asked whether they had taken significant time away from their legal career, five African American (5/9), six Asian American (6/13), five Latina (5/11), and thirty-nine Caucasian (39/80) respondents said, "no." The majority of those who took time off did so for family reasons: maternity leave, child and grandchild care, care for elderly parent(s). One woman took a year and a half to perform a church mission. Some said they took time away, "to spend important time with children because that time [wa]s precious," to enjoy grandchildren, to see children grow up "because she'll only be young once," and "to escape." One law school professor said children affected her career choice when she switched from private practice to teaching.

difference in the scores between Form A and on Form B of the Inventory of Feminine Values) and those experiencing significant role conflict (significant role conflict meaning more than a twelve point difference in the scores between Form A and Form B of the Inventory of Feminine Values). Seventeen of the respondents (15%)⁸⁸ were experiencing no role conflict.⁸⁹ Fourteen were married (eight to lawyers or judges, two to doctors); eleven women had children.⁹⁰ There were three judges, three law school professors, three family law attorneys, and three specializing in criminal law, either defense or prosecution.⁹¹

Twelve women (10.6%)⁹² were experiencing significant role conflict.⁹³ All were married/domestic partners or had been married (one woman was divorced and another a widow). Five women were married to attorneys. Five had no children. Legal employment included one judge, two law school professors, three public law attorneys (Deputy Attorney General, District Attorney, and County Counsel), and attorneys in varied areas such as corporate securities, consumer litigation, family law, and worker's compensation. A striking feature of the data is that the groups experiencing no role conflict and those experiencing substantial role conflict were demographically homogeneous.

2. Data Analysis

Other-orientation scores (traditional housewife-mother, family-oriented) range from 0 to -85 (negative numbers); self-orientation scores (achievement, career-oriented) range from 0 to +85 (positive numbers). The 1996 respondents' range of scores indicated most scores on the self-oriented side of the continuum.⁹⁴ The range of all scores on actual

88. This group included two African American, two Asian American, two Latina, and eleven Caucasian attorneys.

89. As defined by this study, no role conflict means no difference in the scores on Form A (actual expressed role) and Form B (expressed role preference) of the Inventory. In addition, I included those women with a +1 or -1 difference.

90. One is a judge who is "very involved in the children's activities." Two are professors, both mothers. Two others work fifty to sixty-hour work weeks (family law practitioner and deputy district attorney). Two work part time; one does transactional and business law twelve hours a week spending the majority of her time with her children because "these years are precious." Another works part time (seventeen to twenty hours a week) in estate planning to have the "flexibility for family."

91. In addition, one woman practices estate planning, another tort litigation, and a third, business and transactional law. One respondent is a Deputy Attorney General and another works for the Legal Aid Society.

92. This group included one African American, two Asian American, two Latina, and seven Caucasian attorneys.

93. As defined by this study, significant role conflict means more than a twelve-point difference between the scores on Form A and Form B. In this category, the two largest score differences were women whose scores moved toward other-orientation from Form A to Form B (from +26 to +4 and from +22 to -2).

94. See generally *supra* note 66, which explains the continuum and the positive and negative scores.

expressed role (self perception/Form A) was -6 to +38. The range of all scores on expressed role preference (ideal role/Form B) was -8 to +45. With the exception of four respondents (3%) on actual expressed role and six respondents (5%) on expressed role preference, all subjects scored on the positive or self-oriented side of the continuum. Thirty percent of respondents' scores (on actual expressed role, Form A and expressed role preference, Form B) moved in the direction of other-orientation.⁹⁵ Three attorneys moved into other-orientation (22 to -2, 0 to -12, 8 to -4) on the continuum.

All data – means for actual expressed role, expressed role preference, and role conflict – were analyzed by ethnicity. Because of the small sample size for each group, the differences were not statistically significant.⁹⁶ Due to the increased number of Caucasian respondents, the t-value indicated role conflict (significant difference in the scores on actual expressed role and expressed role preference) at the probability level of .01 ($p < .01$). The total group of respondents (113) was experiencing statistically significant role conflict.⁹⁷

The 1996 research participants were experiencing role conflict. As a

Range of Scores on Inventory by Ethnicity

	Number Responding	Self Perception	Ideal Perception
African American	9	+5 to +34	+3 to +45
Asian American	11	+10 to +32	+4 to +42
Latina	13	+1 to +29	-2 to +38
Caucasian	80	-6 to +38	-8 to +41

95. The score on Form A (actual expressed role or self perception) is subtracted from the score on Form B (expressed role preference or "ideal" role). A negative score shows a difference in scores moving closer to the zero and toward the other-oriented side of the continuum.

96. This does not mean there was no role conflict. Statistical significance is affected by sample size, how far the means are separated, and dispersion of individual standard deviations. I ran a smaller, randomly selected sample of Caucasian respondents. The subset consisted of eleven surveys. The range of scores on actual expressed role was 0 to +30 with a mean of 17.73. On expressed role preference, the range was -12 to +27 with a mean of 16.18. The results of the t-test were, like the tests run for African American, Asian American, and Latina respondents, not significant. If all African American, Asian American, and Latinas (33 total) were grouped for demonstration purposes only, the mean on actual expressed role was 18.03, mean on expressed role preference was 20.64, for a mean difference of 2.61. Given the increased sample size, analysis showed statistically significant role conflict ($p < .01$ which means that the observed finding would occur by chance alone no more than one time in a hundred).

97. Sample size influences significance. T-test analyses indicated no significant differences in role conflict due to dependent variables: age, marital status, years married/domestic partnership, area of legal employment, dates of law school graduation, closer parent, years in practice, and spouse/partner's occupation.

group, these 113 women lawyers perceived their feminine sex roles as self-oriented (positive score) and their ideal roles as only slightly more self-oriented (higher positive score),⁹⁸ with significantly less role conflict than educated women were experiencing in 1976. In 1976, the mean role conflict score (difference between the scores on Forms A and B) was 6.43. The mean role conflict score in 1996 was 2.51.

I have continued this study with follow-up interviews of selected participants in an attempt to identify the areas of role conflict, whether professional, personal, situational, or sociocultural. My interviews with selected study participants looked beyond the statistical analyses to professional successes and frustrations, as well as family and personal fulfillment.

III. INTERVIEWS WITH SELECTED 1996 STUDY PARTICIPANTS

My interviews with women lawyers document and reflect the problems described in the review of the most current literature (see Section II) and demonstrate women lawyers' real-life solutions to workplace challenges. I interviewed a selected sample of my 1996 survey respondents using qualitative inquiry, a form of data collection and analysis methodology.⁹⁹ Qualitative interviews, using open-ended questions allowing for individual responses, are used as a primary strategy for data collection and analysis.¹⁰⁰

I wanted to know more about the women who participated in my quantitative study – more than basic demographics and statistics¹⁰¹ showing

98. Slotkin, *supra* note 1, at 36 n.161. The mean on form A (actual expressed role) for all respondents was 17.65. The mean on form B (expressed role preference) was 20.12. Both mean scores were on the positive side of the continuum. See also Fand, *supra* note 10.

99. JOHN W. CRESWELL, QUALITATIVE INQUIRY AND RESEARCH DESIGN CHOOSING AMONG FIVE TRADITIONS 16, 123 (1998). Qualitative inquiry is often defined by comparing it to quantitative inquiry: "quantitative researchers work with a few variables and many cases, whereas qualitative researchers rely on a few cases and many variables." See also Sarah B. FitzPatrick, *Qualitative Research Methods*, at http://www.personal.psu.edu/users/s/b/sbf116/3_ql-mth.htm (summarizing three types of qualitative interviewing: informal, conversational interviews; semi-structured interviews and standardized, open-ended interviews (citing M.Q. PATTON, QUALITATIVE EVALUATION METHODS (1990))).

100. CRESWELL, *supra* note 99, at 19. Qualitative research spans the range of topics within the social sciences and human sciences. Much of qualitative research today involves issues of gender, culture, and marginalized groups.

101. See Barbara Crummer Lincoln, *Career and Family: A Qualitative Study of Working Mothers*, 57-58 (2000) (unpublished Ed.D. dissertation, Univ. of San Diego) (on file with the Univ. of San Diego Copley Library). Lincoln summarized why qualitative methodology was used to understand experiences of working mothers:

The basic assumptions of qualitative research include the following 1) qualitative researchers are concerned primarily with process, rather than outcomes or products 2) qualitative researchers are interested in meaning how people make sense of their lives, experiences, and their structures of the world 3) the qualitative researcher is the primary instrument for data collection and analysis. Data are mediated through this human instrument, rather than through inventories, questionnaires, or machines.

women crashing through the glass ceiling. I wanted anecdotal data and I wanted additional background information. I wanted to meet the women, talk to them about the practice of law, juggling multiple roles, satisfactions, and feelings of competence. I wanted to assess attitudes toward child-rearing, discrimination, family, and the nature of their work. And I wanted to see how much had changed after the more than five years since these women had completed the Inventory and questionnaire.

I developed a list of interview questions in categories relating to the interviewees' individual data results, law practice, and family issues.¹⁰² Although I attempted to ask all the questions during each semi-structured, conversational interview, the one question I asked each woman was whether she believed our culture, particularly the work culture, has accommodated or ever will accommodate women's multiple roles.

Each interview took between fifteen minutes to an hour. Some interviews were conducted in participants' offices; some were conducted by phone. I took notes during each interview. I only interviewed those

Id. (citing S.B. MERRIAM, CASE STUDY RESEARCH IN EDUCATION, A QUALITATIVE APPROACH (1994).

102. I asked the following open-ended questions:

1. Data Collection and Individual Results:

Did you receive a copy of the article?

Did you read the article I mailed you?

Your data results and an explanation of your scores:

Do your scores seem accurate?

How would you have predicted your range/scores on each test?

Do you think your results/scores would be different now? In the future?

2. Law Practice:

Type of law practice?

How many hours/week, days/week

Have you worked in a large firm? For how long? Partner?

If you worked in a large firm, why did you leave?

Did you have children while at the firm? What happened during your pregnancy?

After you returned? Did the perceptions about your competence or commitment change after child/ren? Were you given paid maternity leave?

Have you changed jobs or gone part-time?

Does your job accommodate multiple roles?

3. Family Questions:

What has your husband/partner done to accommodate to your work?

Is your family life stable?

Do your children understand your work commitment, schedule?

Who cares for your children? Attends school conferences? Takes children to doctor? Picks them up from school?

Did you have children after you began practicing law? Before?

Did your practice change?

Did your commitment to law practice change?

After you had children, what happened to your legal career?

Did your perceptions about your competence and your commitment change after children?

4. Do you believe our culture, particularly the work culture, has accommodated or ever will accommodate to women's multiple roles?

women who had given me permission to call them for an interview and had given me telephone numbers and specific hours to call. I interviewed women in three categories: those experiencing significant role conflict; those experiencing no role conflict; and those experiencing, though not statistically significant, a range of role conflict.

A. PARTICIPANTS EXPERIENCING SUBSTANTIAL ROLE CONFLICT¹⁰³

I interviewed six out of the twelve lawyers with role conflict scores (difference in the scores on Form A and Form B of the Inventory) of twelve or greater. The interviewees included two judicial research attorneys, two deputy district attorneys, one judge, and one civil litigator. The women's ages ranged from early thirties to mid fifties. Three are married, two are divorced, and five of six are mothers (the sixth had fifty percent custody of her niece and nephew until a year ago).

a.) A judicial research attorney, now in her early fifties, whose scores moved from self-orientation to other-orientation¹⁰⁴ for a -12 role conflict score (+8 and -4, from the positive or self-oriented side of the continuum on actual expressed role to the negative or other-oriented side of the continuum on expressed role preference), said she would have predicted these results. She stated she was more neurotically other-oriented ten years ago (would have done anything to help students, could not set boundaries).

She left teaching after twelve years to become a research attorney. (She found she could no longer do what she had done at forty.) Before becoming a professor, she worked in a large firm, but she left because she "was terrified of everything" and had "no tolerance for [her] own learning curve." She did not realize until after she left the firm that "everyone else felt that way, too." Her current job as a research attorney is forty hours per week. The job is flexible and she does not take work home.

Her husband (not her son's father) did everything to accommodate her work and schooling. She had a stable family life. She and her husband shared family responsibilities: attending school conferences, taking him to the doctor, picking him up at school. Her son did not understand her school and work commitment. Now she assumes he did not like her work commitment because he believes (he is now a married adult) that mothers should be stay-at-home moms and that children do not get enough parenting.

She does not believe our work culture will ever accommodate women's multiple roles "until women run the world. Men can't figure out what's necessary, don't take personally the responsibility for parenting, and are wired differently – more aggressive, different hormones." Women have to be in charge and have to continue to have the primary homemaking and parenting responsibilities.

103. See *supra* note 93.

104. See Fand, *supra* note 10.

b.) A judicial research attorney, now in her late forties, who had a +13 role conflict score (from a +4 to a +17, a score on the positive or self-oriented side of the continuum on actual expressed role and an even higher positive, self-oriented score on the continuum on expressed role preference) would have predicted her scores would move toward other orientation (or that may be the way she is feeling now after her divorce).

Five years ago when she participated in the study, her son was under a year old, and she was more career-oriented. Now she does not have the drive to be “a mega something.” She likes doing a job and doing it well and her career is not as important as doing a good job. She does not need to be a partner or a CEO or a great scholar. But “work is a tremendous source of satisfaction and work is easier than home.”

She, too, worked in a large firm and left to have a baby (and because her supervising partner was a “screamer”). She was not happy working at the firm, but they were nice to her. The hours were horrible. She left the firm soon after returning from maternity leave. Her boss was understanding. She felt guilty.

She discovered lawyers were not great managers. Law firms were nothing like business where managers mentor and train and supervise (as was true of her previous job in banking). In big firms, “lawyers are on a power trip.” Big firms encourage waste, and much of the work is counterproductive because of unneeded stress. Every mistake was the associate’s fault, though seldom was an associate given adequate instructions or guidelines.

Her husband was supportive and encouraged her to attend law school. She stopped cooking in law school; her husband then did all the cooking and laundry. He shared childcare responsibilities. Both attended school conferences, took their son to the doctor, and picked him up from school. Her son understands her work commitment because work is part of his life.

Being a judicial research attorney is the best in terms of flexibility, but not easier or fewer hours. She does not believe our culture will ever accommodate to women’s multiple roles. “Way more has to be done. We’re even going in the wrong direction. With downsizing, everyone is putting in more hours with less time for home and family. Europe is more enlightened and women receive pay for being wives and mothers.”

c.) A judge in her early fifties with a -22 role conflict score (+26 and +4, with the actual expressed role score on the self-oriented side of the continuum, moving dramatically toward other orientation on expressed role preference) said she would have predicted her results. She continues to experience conflicts with family and work, with family getting more priority. Ten years ago, in her early forties, she was more work-oriented.

She has always worked for the government because the hours are better, maternity leave and vacation time are generous, and government work is family friendly. As a judge, her job is not flexible, but she can plan ahead for appointments and conferences by setting her court calendar and

planning her vacation time. When her ten-year-old daughter has a doctor's appointment, for example, she schedules her court duties around the appointment. She does what she has to do to be a good mother, a good wife (she is recently remarried), and a good judge.

When she took her first job with the Justice Department, she interviewed as a skinny, young woman. By the time she started the job, she was obviously pregnant. But in those days, no one discussed pregnancy – by law, you could not.¹⁰⁵ She took only a few weeks of maternity leave. When her second daughter was born, she took a four-month maternity leave. She is now remarried with an adult stepson and two daughters. Her husband schedules special time with her younger daughter and he covers for her when she has weekend responsibilities. Her daughter is proud of her, but does not like it when there is a conflict. On Friday, her daughter receives a school award at 8:30 a.m. The judge will have fifty or so people waiting for her Friday morning in court, but she will be there – a few minutes late.

Her commitment to law has remained strong. Her “career has not been affected by children, only enhanced by children.” Part time was not available in her previous government jobs. No judges are part time. (One asked, but was told no.) When she was a young, pregnant lawyer, she felt guilty about taking maternity leave. “Now, there’s a different mindset. The new generation of women lawyers is doing everything – marrying, having children, taking maternity leave.” She mentioned her younger sister who went to work in a big firm with a huge billable hours requirement and hours incompatible with marriage and children. She left the firm for a government job. Now she feels she is doing it all. The judge believes the work culture has accommodated and women have accommodated. “Today, we (women lawyers) are all good at making a place for ourselves.”

d.) A divorced, now single, deputy district attorney in her early thirties, with a +16 role conflict score (+38 and +54, scores indicating strong self-orientation on actual expressed role and to stronger self-orientation on expressed role preference) was not surprised by her results. If she took the Inventory today, she predicts her answers would be even more self-oriented.

She worked for a year in private practice doing contract work. She hated the billables, accounting for and logging every minute. She “usually under-represented the time and did not make much money.” She believes “everybody has a talent and when you’ve found it, you should be good at it.” She had “no passion for civil law,” but has “great passion for criminal law.”

She went to work at the District Attorney’s Office and has rotated

105. Pregnancy is covered by Title VII of the United States Code. Section 701(k) of Title VII, added in 1978, prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions. See Pregnancy Discrimination Act (PDA), 42 U.S.C. § 2000e(k) (2000).

through many units. She is now working on sexual assault and homicides. She works ten to twelve hour days. The work is emotionally difficult and sometimes overwhelming. She used to be satisfied with a week for vacation, but now she needs two or three weeks (and took six weeks last year).

Now, she works harder than ever on outside activities: she's a secretary for an organization, teaches, and trains police officers in the field. Her job has some flexibility, except when she is in trial.

She was divorced four years ago. She was growing in her new career, but he did not want to grow and so there was no balance. She does not have children, but she had fifty percent custody of her niece and nephew until a year ago. Now she spends three weeks with them in the summer and talks to them every day. When she had the children, she picked them up on Fridays, then worked after they went to sleep. They were in daycare during the work week. She adjusted her work schedule by working in the evenings and even brought them to the office on weekends.

She says the work culture has not changed to accommodate women's multiple roles. Women have to work harder in the office. Now, under the current District Attorney, everyone works harder to be promoted – everyone puts in extra effort, has to be available all the time, has to be excellent at everything, not just in court. The women she works with are more aggressive, focused, passionate about the jobs and home – as compared to the men who do not have to mesh all parts of their lives. She commented, “women have to fight for childcare, work schedules, and time. Women need to find a way to do everything.” But she has progressed further now and that is a change in the times. “Women are doing the same jobs that men do and are no longer unique in the legal world.”

e.) A litigator approaching her mid fifties, married with two adult children, has been a lawyer for twenty-seven years. Her +12 role conflict score (+6 and +18, from the positive or self-oriented side of the continuum on actual expressed role to an even higher positive score on the continuum on expressed role preference) seemed accurate. She is happy where she is and her scores would probably not have been different ten or even fifteen years ago (though she was even more ambitious when she was younger).

She has changed jobs during her legal career. She was first a worker's compensation attorney, then worked for General Atomic as special counsel for five years. Both children were born while she worked there. She was worried her job would be taken away because she was pregnant – it was the 1970s. They hired her pregnant, but paid maternity leave was not discussed for her first pregnancy and she did not demand it. They were a sophisticated company with regard to employee benefits and she received paid maternity leave when she had her second child. Her commitment to work and her competence in her work only increased while she was pregnant (after all, she had met her husband during the bar exam, so there was no doubt she would always work).

She moved from a county counsel position to an in-house job with the San Diego Sheriff's office for ten years. She was on call twenty-four hours a day working seven days a week with unhappy prisoners, homicide motions, appearances in every court, search warrants, civil service appeals. When the administration changed and she left for private practice, they hired three lawyers to do her job. There was no balance in her life.

She has now practiced with her husband for ten years (personal injury and misdemeanor defense). They go to trial together. He does the money side of the practice and trials: opening, closing, damages, collecting fees, judgments. She does the people-oriented side: depositions, questioning witnesses at trial. Their practice is a real blending of their talents. She does not work nights and no longer works ten to fifteen hours a day. She takes better care of herself.

She and her husband were lucky to have a nanny who helped raise and care for her children. The nanny walked them to school, to ballet, to piano. She and her husband participated in school conferences and events together. She never worked part time.

She believes our work culture has changed. From what she has heard and read, firms believe in part time tracks and job sharing with a mother coming in half days, for example. This sounds "amazing," but she does not "know what this does to partnership track-oriented women." She imagines "women have less of a chance to be partner if they're part time or pregnant." Her sister, a lawyer sixteen years younger, does not have to fight as hard as she had to in the work culture. In her day, the DA's office had ten women lawyers. There were jokes about women, jokes during job interviews. "Women have proven themselves and have come a long way given the numbers of women entering law school today." But she also commented that "something has to give – women can't do it all." After all, she had a nanny.

f.) We had our interview by cell phone at 6:15 p.m. during Friday rush hour traffic while she, a deputy district attorney, in her mid thirties and assigned to the gang unit, was returning home from work. With two children born since law school graduation and while working as a deputy district attorney, she would predict a much greater differential in her scores today than six years ago (+26 and +14, scores indicating statistically significant role conflict of -12, both scores in self-orientation, but her expressed role preference score moving toward other-orientation). Six years ago she had no children and was newly married. She is "very conflicted today combining profession and family."

She works five days a week averaging nine-hour days when not in trial and twelve-hour days when she is in trial. She has never worked in a firm and would only consider it now because she has children and because she "could be part time in a firm and make as much as working in the DA's office." But she loves her job. There is no paid maternity leave at the DA's office; she used vacation days, sick leave, and time without pay for

her three and one-half month leave with each child.

Today, she is “equally as committed and equally as intense” about her profession as she was before children. However, she feels “inadequate in both arenas, totally torn and very selfish” because she still has important career goals. She is doing what she always wanted to do professionally. She questions what is more important: children versus job. At home, she has a full time nanny and her husband’s job (government attorney) allows him to work at home two days a week. The children now go to pre-school. With advance planning, she can attend doctors’ appointments and school conferences (she does switch off with her husband). In emergencies, the nanny has taken children to the doctor. Her neighbors add to her feelings of conflict (they live in a neighborhood with stay-at-home moms, and some are “downright nasty” about her working commitment).

She believes the work culture has changed, but she is not sure whether the culture is changing to accommodate women’s multiple roles. “The DA’s office bends over backwards to accommodate families on a part time track, and men and women work part time.” But “the perception still exists that those who work part time are less committed to their careers.” She would like to work part time, but she is committed to her career and really cannot afford to be part time. Those on the part time track earn less money, which affects retirement, promotions, and vacation time. She wants to reach her goals quicker than part time would allow.

Of the six women experiencing significant role conflict (twelve points or greater difference), five of the six had changed jobs during their careers – to move into power positions, for more flexible hours, for forty-hour per week jobs, or for job satisfaction. Three of the six had scores, on the Inventory of Feminine Values, moving from self-orientation to other-orientation on ideal or expressed role preference, and three scored further toward self-orientation on ideal. Both deputy district attorneys have great passion for their work. Four believe the work culture has not changed to accommodate women’s multiple roles, and two believe our work culture has accommodated and women have accommodated. All are balancing successful careers and family responsibilities.

B. PARTICIPANTS EXPERIENCING NO ROLE CONFLICT¹⁰⁶

I interviewed five of the seventeen women whose scores on forms A and B of the Inventory of Feminine Values indicated no role conflict. The interviewees were two law school professors, one family law practitioner, one judge, and one contract attorney. All have changed jobs or areas of specialization during their legal careers. The women ranged in age from their early thirties to late fifties. Three are married, one is divorced; all four have children.

a.) One woman, now forty-one, would have predicted her scores (+18

106. See *supra* note 89.

and +18 with no role conflict) five years ago. But now her "life is out of balance and illness has affected [her] world view." She left big firm practice after three years because she wanted "to do something more meaningful, something to help others." She left before she got married and had children. She became a legal writing and research professor and had a child while teaching full time. Teaching accommodated her multiple roles because "there was flexibility, though a lot of hours. Work can be fit into different times of the day, night, weekends." Now she has left her teaching position because she can earn more doing contract work¹⁰⁷ and has the flexibility to be a stay-at-home and work-at-home mom.

She has a stable family life. Her husband does some "home things – repair calls, gardening." He is emotionally supportive, but his schedule is inflexible (he is a lawyer). She does all the childcare.

She believes our work culture will never accommodate women's multiple roles. Women in the workplace are expected "to play like the big boys. If you want big boy pay, you have to work like the big boys. Women have so much more to do and women can't do it all." Her experience in firm practice showed her that being a mother was looked down upon and must be kept out of the office. She believes it is easier for men: men do not have work/family conflicts. Men focus on career; they do not come home if they are busy whereas mothers have to go home. She found some women judges and partners were even worse (like "the big boys") expecting women to work harder with no accommodations to working mothers, almost "like some weird rite of passage."

b.) A single law school professor, forty-five, (+26 and +25) left big firm practice for teaching because the job accommodates her multiple roles (extended family, volunteer). She found her Inventory results predictable. Five years ago, she believed everything was possible. She would have

107. See Jan M. Levine, *Words from the Podium*, THE SCRIVENER, Spring 2001, at 2, 7 (describing four articles revealing information about people teaching legal writing and their place in the law school. Professor Neumann of Hofstra University, [Richard K. Neumann, Jr., *Women in Legal Education: What the Statistics Show*, 50 J. LEGAL EDUC. 313 (2001)] analyzes data on law faculty hiring, promotion, status, and pay. He reports that the field of legal writing "is overwhelmingly female, and it holds the lowest status of any field of law school teaching." Professor Durako of Rutgers-Camden University [J.A. Durako, *Second Class Citizens in the Pink Ghetto: Gender Bias in Legal Writing* 50 J. LEGAL EDUC. 562 (2001)] reports that in the field of legal writing "being a man means earning a higher salary and enjoying a better status in the field, while carrying the same workload as a woman colleague." Professors Stanchi and Levine of Temple University in two articles [Jan M. Levine & Kathryn M. Stanchi, *Women, Writing, & Wages: Breaking the Last Taboo*, 7 WM. & MARY J. WOMEN & L. 551 (2001) and Jan M. Levine & Kathryn M. Stanchi, *Gender and Legal Writing: Law Schools' Dirty Little Secrets*, 16 BERKELEY WOMEN'S L.J. 3 (2001)] describe and analyze data collected in 1998 from full time legal writing teachers (on contract and ineligible for tenure). Though men and women teaching legal writing were equally mistreated by their law schools in terms of salary, Levine and Stanchi found "law school's use of full-time non-tenure-track faculty to teach legal writing was based on the existence of a new cadre of women law school graduates who were interested in teaching. . . and law schools went out and hired cheap labor to take on the disdainful task of offering instruction in fundamental skills."

been even more self-oriented when she was younger and wanted to save the world. Now she has lost some of that spirit and intensity, but feels strongly about making a difference.

She has moved from the litigation model to the mediation and problem-solving model. She was a confrontational civil litigator after three years with federal defenders. She hated firm practice – the work, the stress, the anxiety. She felt trapped.

Though not married, she has extensive extended family. With teaching, family is easier to balance. She is focused and admits, “I’m not good at juggling.” She missed having children, but did not want to compromise and did not want to have children by herself. Teaching accommodates her multiple roles.

She believes women are not motivated by status and money like men. She believes “law firms have made some changes, but women are still second class citizens and eventually leave to find jobs that accommodate to their lifestyles. Ultimately women leave for teaching, corporate counsel, research attorneys – pink ghetto jobs.” Women who do accomplish managing partner status make “huge concessions to accommodate family needs.” She observed that society has changed: women do interesting work.

c.) A certified family law practitioner in her late fifties and mother of four adult-children would have predicted her scores (+19 and +18) and was not surprised she was experiencing no role conflict. She admitted she has an “aggressive personality.” Things do not bother her and she does what she wants to do. She believes her results might not have been the same when she was a young wife and mother. At that time, she had conflicts being a working mother and was more “self questioning about what was right.”

She practiced business law and real estate litigation until she became a family law specialist. She switched to family law because she could be more personally involved with her clients, procedures were set, and cases were completed in six months to a year. She does not lose ten pounds in family law trials like she did in complex litigation cases. She never wanted to nor did she work in a big firm. She is one of the partners in her two-person firm. (Her husband is a lawyer.) She had her children before she went to law school, therefore she has always practiced as a mother/lawyer.

She works eleven and a half hour days, four days a week, often trying to take three-day weekends now that her children are grown and out of the house. She plans to work shorter weeks in the future and will be able to do so because family law has more flexibility. Family law is easier for women: “there is more liberty in family law, more judges are female, more attorneys are female. Family law sets a standard rather than making lawyers live up to a standard.”

Her husband has always accommodated to her working schedule and she has always worked. Childcare was always shared, and their small firm

practice allowed them flexibility. Her husband accommodated by cooking. Her children understood her commitment to working and her family and married life are stable (she has been married for thirty-six years). Now she has time for volunteer activities.

She believes our culture has accommodated to women's multiple roles. This has happened during the course of her legal career. "It would take a totally socialized government to have pure equality of work opportunity and that isn't going to happen. Who would want it?" Childcare will always be a problem. "Things are certainly better now than they were when I had small children. There are ESS programs (early drop off/late pick up) available in all [school] districts to accommodate working parents. These programs didn't exist in my days of parenting." It is also not unusual to hear a judge say, "I'm appointing so-and-so, but she's having a baby so let's schedule to give her time to get back on her feet." She believes this is progress.

d.) An NLRB trial attorney, now law school professor in her late forties who has taught and written extensively since 1991, thought her scores were accurate, though she was surprised her scores were self-oriented (+16 and +16). She sees herself as very other-oriented (meeting others' needs). Her results on the Inventory would probably have been different during her years at the NLRB. With teaching she can "split her roles." She can come to the office at 7:00 a.m., then go home to drive her daughter to music lessons, go to teachers' conferences, and later she can return to work.

Trial work was not the right job: "she worried too much; it ate at her that through testimony, a witness might be fired." There was conflict with child issues. If she was in trial until 7:00 p.m., she could not nurse her baby. While at the NLRB, she had a child in addition to two stepdaughters. There was no maternity leave. She had to accrue sick leave and take vacation time.

She and her husband reversed schedules to accommodate work and children (he taught at night). The family was stable, though her husband and her stepdaughters had no respect for lawyers. They shared care of the children: both attended school conferences, doctors' appointments. She left the NLRB to have a life with her child.

When I asked about whether our culture has accommodated to women's multiple roles, she answered with a personal anecdote. When she and her husband divorced, he demanded spousal support because she had ignored her child and ruined his career.

e) A forty-nine-year-old San Diego Superior Court judge with two sons and three stepsons working forty hours a week, has taught as an adjunct, and is currently developing a new course about history in the context of law and minorities. She was not surprised her scores (+1 and +2) showed no role conflict and she would have predicted more self-oriented scores fifteen years ago.

She is “getting tired.” When her last son leaves for college this fall, only she and her husband will be in the house. His first wife was a stay-at-home wife/mother. “He still has a surprised look that our relationship is so different.” Her children have only known a working mom. When they marry, their “perfect wives will be smart, if not smarter, and working women.” Her sons have had responsibilities – helping in the household, cooking. The new kids today “are going to be good husbands and good fathers.” She and her sons’ dad did all the childcare. Her parents did chauffeuring and stayed at games. She and their father and stepfather go to all their events.

Practice has always been in government service. She might have worked in a firm right out of law school when she was feeling “push, push”, but decided being a government-based lawyer made it easier to accommodate all her roles. She took three months’ maternity leave for each child with no other time off because her jobs have been flexible. Both jobs, state government and court, are “very respectful of family time.” As a lawyer, her office was supportive of family time, for both men and women. As a judge, she can be more independent and flexible. Her commitment to law never wavered after having children.

She believes our work culture has accommodated to women’s multiple roles, at least “my slice of it. If you look at the private sector – firm practice and litigation – I don’t see how women can meet responsibilities at home.”

Of the five women experiencing no role conflict, four have changed jobs during their careers; the fifth changed specialties in her law firm. All are balancing successful careers and family responsibilities. Two believe the legal work culture will never accommodate women’s multiple roles; however, those in government service and family law believe the work culture has changed.

C. PARTICIPANTS EXPERIENCING A RANGE OF ROLE CONFLICT, THOUGH NOT STATISTICALLY SIGNIFICANT¹⁰⁸

The five women in this category ranged in age from thirty-two to seventy with role conflict scores ranging from +10 to -10. Four of five are certified specialists: two in immigration law, one in family law, and one in estate planning. Four of five are married and have (or are expecting) children; the big firm civil litigator is unmarried. Three of five have changed jobs or firms; the family law specialist and the immigration attorney (the youngest and oldest interviewees in this group) have not changed jobs.

a.) A thirty-two-year-old attorney, single until one year ago, was not surprised by her -10 role conflict score on the Inventory (+23 and +13, from the positive score on actual expressed role to a positive score on

108. See *supra* notes 89, 93, 96.

expressed role preference moving toward other-orientation). Ten years ago, she was even more self-oriented. Now her parents have moved to San Diego, she has nieces and nephews she is attached to, she has married, and she is nine months pregnant.

In her practice (three partners, one a grandmother and another a single dad), she works fifty to sixty hours a week and works ten-hour days. She never worked nor would she choose to work in a big firm. She is a "control freak." She needs to choose her clients, be hands-on with staff and with every aspect of running the business. She never wanted to be an associate, but she "would be a great partner!" She has never worked weekends but may have to with the baby.

She is a family law specialist. When I asked whether she has been treated differently by the bench and bar since her pregnancy, she said, "Yes. Everyone's nicer." Family law is different: everyone knows everyone; everyone has respect for judges, attorneys; everyone in the family law arena is "happy, supportive. It's pleasant." You get yelled at by clients, but people are going through a terrible time. It is a "very personal specialty. It's about life and love and betrayal."

With pregnancy, her husband has done all the cooking. She and her husband plan to have a nanny part-time. Both plan to take an afternoon each week alone with the baby. Her new home will have an office where she can link to her law office. She plans a six-week maternity leave.

She believes the legal culture has changed in the family law area to accommodate everyone's roles, but it is still an "old boy's club" in litigation. Family law is ideal for a woman – the best of all worlds because "she can do it all." Work is her identity.

b) A successful litigator, forty, with a -4 role conflict score (+12 and +8), was moderately surprised her "ideal" or expressed role preference score indicated more other-orientation than her actual expressed role. She thought her results would have been more self-oriented ten years ago when she was even more "gung ho."

She was a partner at a large San Diego firm, then left after ten years to work for a national firm. Now she specializes in employment law rather than general litigation. She left because of "career dissatisfaction and for growth." She works forty to fifty hours a week of which, approximately forty are billable. She is currently on a litigation team that works on private antitrust cases. Recently, she had two seven-hour days of depositions; she needs stamina to do what she does.

Because she is not married, she does not have spouse and children issues. But she is strongly family-oriented. She makes time for her family by taking vacation time to visit family or have them visit her. If she had children, she "wouldn't work like this." She would "go nuts" if she missed music recitals. She believes women fool themselves that they can do it all.

She believes the work culture has changed to accommodate women's multiple roles. In both firms, and many on the West coast, women have

been included at all levels from associate to partner. The problem is that "life is unfair. Women can't change the fact they are the ones who have the children. It's a choice women make. Women choose to cut back or not try cases or not travel. Some women try to have it all and they're killing themselves. Do they really have it all?"

Law practice accommodates to a point, but jobs cannot always accommodate – that is a reality for many specialty practices, like litigation. "Trials can't stop when women have to go home. Courts, judges, clients can't always accommodate. But law practice does offer choices."

c) A married, fifty-four-year-old, certified probate and estate planning attorney does not think her scores (+20 to +18, a difference of -2, which is not statistically significant role conflict) would have been different ten years ago and ten years from now she "hopes to be retired." She has practiced for twenty years in a variety of settings: small firm practice and office sharing arrangements.

She graduated from law school when her son was seven. She worked thirty hours a week when her son was young in addition to trust management and adjunct teaching. Now that her son is an adult, she works eight hours a day, five days a week, and does twelve hours a week of trust administration. She never "had the ambition to work in a big firm." She was too independent to fit into the system. Also, she wanted to be with her husband and son. She was inspired to attend law school when she lived in Louisiana, a civil law jurisdiction where women had few rights. She also joined the National Organization for Women.

Her husband and son were always supportive of her law career. She was a stay-at-home wife/mother until her son was ready for school, then she attended law school. Both of them attended school conferences and events. Both, based upon availability, took him to doctors' appointments, but her husband became the primary parent. They produced a self-sufficient, confident son who is now a Harvard-trained attorney.

Her job accommodates her multiple roles of wife, mother, and lawyer. This is because she was primarily a sole practitioner and worked in small, specialized practices. She does not think the work culture will ever accommodate women's multiple roles. Even with the numbers of women attending law school, women will "grind and men will be the principals." Law practice has simply become "politically correct" with options for working mothers. "The only way the work culture will change is when men change and the work culture becomes family friendly to men and women."

d) She is in her mid forties, married, born in Mexico, with two grown daughters, and a +10 role conflict score (+32 and +42, a ten-point score difference in actual expressed role and expressed role preference towards self-orientation). She says she would have been other-oriented before graduating from law school. In the late 1970s and early 1980s, she was very traditional, "more middle of the road, home-oriented, normal." She

did not travel; she cooked. Now, she wears many hats: she is a busy private practitioner (fifty hours a week) and a certified immigration law specialist; she "fights for the underdogs;" she travels with a South American access to justice project; she is an adjunct professor of law; she travels for humanitarian purposes to help indigenous peoples and as a member of a human rights organization; she serves the San Diego legal community doing evaluations for judicial appointments; and she sleeps six to eight hours a night.

Her family includes two daughters, one born two years before law school and one born just before law school graduation, and her husband, a retired homicide investigator, now an artist and art teacher, and an overprotective "Mr. Mom." They shared duties like doctors' appointments, but her husband was willing to get up at 4:00 a.m. each morning to drive one daughter to swim practice. Her daughters, as they grew up, became more aware of her commitment to her practice and voiced respect and admiration for her (though once, when they were in counseling, the counselor reported her children had said they could never be like her nor could they achieve what she had). Now both daughters are "fiercely independent with incredible self-esteem and self assurance." She would have "failed miserably without her husband" in terms of balancing all her jobs, and she "could not have raised children without him."

She first worked at the DA's office (nine to five, no weekends), then as a full time clinician at a law school (good hours, vacations) before starting her law practice fifteen years ago. This "gradual evolution with increasing hours and work evolved as [her] level of self confidence grew." She would never work in a big firm because she perceives herself a "free spirit. Big firm practice would be stifling, with pecking orders, titles – all meaningless to [her] and not appealing."

She believes professional women have to juggle multiple roles. In the last ten years, she has seen major changes in the legal profession. Some firms offer part time and three days per week options. Department of Justice mothers may work thirty hours per week. Being an Appellate Defender offers flexible hours and allows one to work from home. She has friends who practice law from home. There seems to be "more flexibility in the legal field." As her children have gotten older, she, too, has more flexibility and a more active lifestyle. If her children were three or four, she could not be doing what she is doing now.

e.) A seventy-year-old, Asian-American immigration attorney with a +9 role conflict score (+6 and +15, indicating her ideal is more self-oriented than her actual expressed role) believes if she were to take the Inventory today, her actual and ideal scores would be even more self-oriented. She works even harder and more hours today than years ago and "can't get off the moving wheel."

She attended law school in her forties. She was a medical researcher and quit her research job before her first child was born. She stayed home

for fifteen years raising her four children (who, today, range in age from thirty-one to thirty-eight) before attending law school. She has been married to her physician husband for forty-five years.

After law school, she worked for three years with a non-profit agency before starting her own immigration law practice. Though she applied for jobs after passing the bar, no one offered her a job. She does not believe she could work for someone else. There would be no flexibility and practice would be focused on billing hours. In her own practice, she can charge someone or not and can reduce the fees without asking someone's permission. She practices forty plus hours a week which includes evenings and weekends at home.

After law school graduation, she did it all: cooked meals, cleaned house, devoted herself to her husband and children, volunteered (for all her children's school activities, e.g., PTA), and practiced law full time. Her husband did not help at home. "He was not capable nor interested in women's work." She is a high energy person, always doing something.

She believes her work culture (as an immigration attorney) shows no bias against women. Immigration court is always supportive and respectful of everyone (and this area is the only one she knows). She says the best thing about becoming a lawyer is the personal growth she has experienced: she is not a yes person; she knows her rights; she can express her thoughts. She plans to practice law "as long as God is willing, [her] mind is active, clients like and respect [her], and the practice is active."

These five women are experiencing a range of role conflict scores with differences from -10 to +10. Three lawyers' ideal was more other-oriented, while two lawyers' ideal was more self-oriented. The family law and immigration law attorneys believe their specialties are family friendly. The litigator and the certified probate attorney believe the legal work culture will never accommodate women's multiple roles.

D. SUMMARY OF THE INTERVIEWS AND THEMES THAT EVOLVED

Qualitative research study is "multi-method in focus" and includes a variety of empirical methods including interviews.¹⁰⁹ It would be difficult to make sweeping generalizations from this small sample of remarkable women professionals who volunteered to be interviewed for this paper;¹¹⁰

109. HANDBOOK OF QUALITATIVE RESEARCH 2 (Norman K. Denzin & Yvonna S. Lincoln eds., 2d ed. 2000).

110. The questionnaire from my previous research on women lawyers and role conflict included a question about follow-up interviews. Thirty-three of the 113 study participants (approximately one-third) completed their instruments anonymously or requested no follow-up, though all gave me information about their jobs, families, spouses. Of the remaining two-thirds who disclosed names and professional affiliations, all offered to be interviewed (though some were no longer at firms or at telephone numbers stated on the questionnaires). The interviewees were chosen as a cross section of ages, types of employment, family orientation, and role conflict scores. I was disappointed that not one of the 1996 study respondents (married, children, big firm practice (4/113)) volunteered to be interviewed for this follow-up study. See Slotkin, *supra* note 1, at 41.

however, certain themes evolved through the interviews: when women had children, what maternity leave policies were offered, who does or did take care of children, and what types of law women have practiced and are practicing today (which relates to how each woman perceives the work culture accommodating to women's multiple roles).

All interviewees' scores were on the self-oriented side of the continuum on the actual expressed role, form A of the Inventory, and only one lawyer's score moved into other-orientation on expressed role preference (ideal), form B of the Inventory. Some of those interviewed stated they thought their scores would be more "other-oriented" today because they seem to be focused on meeting other's needs. Others stated they are even more self-oriented than they were when they participated in the study (and the interviews seemed to indicate these women are living their "ideal" today).

Six of the sixteen interviewees had experienced significant role conflict (specifically defined for this and previous studies as a statistically significant difference between a woman's self perception or actual expressed role, and her "ideal" woman or expressed role preference).¹¹¹ The women ranged in age from their early thirties to mid fifties. Five of the six had changed jobs during their legal careers. Five were married; one was single, divorced. The scores of three of the women moved toward other-orientation for their ideal, and three moved towards self-orientation for their ideal. The women described their conflicts as personal, situational, and professional.

Five of the interviewees experienced no role conflict (defined as no difference between a woman's self perception and her "ideal").¹¹² The women ranged in age from early thirties to late fifties. All had changed jobs or specialties during their careers. Three are married with children, one is a divorced mother, and one is single. All five women expressed the opinion that firm practice and litigation are not family friendly.

All women interviewed (sixteen or 20% of those who volunteered for follow-up interviews¹¹³) are currently working professionals. Thirteen of sixteen have changed jobs or specialties during their legal careers and four have changed jobs in the past five years. The interviewees included two judges, two judicial research attorneys, two litigators, two government attorneys, two professors, two certified family law attorneys, two certified immigration attorneys, one certified estate planning attorney, and one contract attorney. The women ranged in age from thirty-two to seventy years. Eleven of the sixteen are currently married.

Thirteen of the sixteen interviewees are mothers.¹¹⁴ Four women had

111. *See supra* note 93.

112. *See supra* note 89.

113. *See supra* note 110.

114. The research indicates children make it difficult for women to balance careers and family. *See generally supra* notes 22, 24, 27, 28, 34, 37, 39, 47.

children before law school and were stay-at-home mothers for varying numbers of years. Of the remaining nine mothers, all but one, who delivered her second daughter before law school graduation, had children while practicing law. These women had children in their late twenties and thirties.

Maternity leave policies were and continue to vary in the San Diego legal community. When one interviewee worked for the NLRB, there was no maternity leave. Another interviewee's in-house position offered no maternity leave for her first child and paid maternity leave for her second. Today, women are taking maternity leave in small firms, offered maternity leave, without pay, at the DA's office, planning children around non-teaching semesters in law school, and receiving paid maternity leave in private practice¹¹⁵ and on the bench.

Balancing for lawyer-mothers has meant job changes at various times in their professional lives, husbands who shared responsibilities, husbands who were "Mr. Mom," parents and older siblings who helped with child care, flexible small firm practice, nannies, part time track, contract work, work days at home, and daycare. One deputy district attorney is experiencing "tremendous conflict" balancing career and children; she feels "torn and extremely selfish" because she loves her job and she loves her children. Another interviewee (not a mother) working in a large firm, stated her firm and others in San Diego are becoming more family friendly with parental leave policies, flexible work schedules, telecommuting, job sharing, and part time tracks. But women choosing these alternatives are not making progress up the partnership ladder. Many of the interviewees shared this perception, though they were not working in large firms.

All have seen and experienced major changes for women in the legal profession. Not all agree, however, the work culture has or will ever accommodate to women's multiple roles. Some stated the work culture will only accommodate to women as wives, mothers, and lawyers when women run the world. Another stated "never," but conceded women do interesting work. Others stated women are "making a place for ourselves," "have progressed," and "have proven themselves." Family law practitioners, immigration attorneys, judges, and government lawyers believe their work culture has changed – their specialties are family-friendly. Everyone agreed that litigation is not family-friendly, that women have to work harder, and that women cannot do it all without nannies, childcare, and supportive spouses/partners.

115. See Elizabeth Hayes & Sara Fisher, *Women of Counsel: Increase in Women Lawyers in Los Angeles Law Firms*, L.A. BUS. J., Feb. 9, 1998, at 6 (the managing partner of Latham & Watkins in Los Angeles commented that Latham must make an effort to get women to return to the firm after they have left for maternity leave because "women are an enormous resource and we bring them in with the expectation that they will progress at the same rate as men.")

Not one of the sixteen interviewees has left the legal profession.¹¹⁶ Five women have left large firm practice. Three have left law school teaching positions. Others have moved from government positions to judicial appointments. The sixteen have worked in all types of legal jobs: professors, judges, judicial research attorneys, deputy district attorneys, deputy public defenders, in-house counsel, civil litigators, large firm practice, small firm practice, sole practice, non-profit agencies, and contract work. All juggle multiple roles and have multiple identities: mothers, wives/significant others, friends, daughters, lawyers, and volunteers. Marriages seem more egalitarian with less sexual division of labor in the home; there are more dual career marriages and later age of marriage and childbearing. All are fiercely devoted to family, to fulfilling careers, and to quality of life.

IV. CONCLUSIONS AND RECOMMENDATIONS

If the only definition of success is power and partnership level at prestigious firms, then the literature and surveys are correct: women lawyers are not progressing. However, that definition offers no flexibility because we are measuring and defining success for women with the same yardstick we use to measure success for men.

I have researched role conflict and educated women for twenty-five years using the Maferri Inventory of Feminine Values, Forms A and B, as an indicator of role conflict. Instruments have limited predictive value. For example, the Law School Aptitude Test¹¹⁷ predicts an individual's reading, verbal, and reasoning skills. The test is used by law schools in the admissions process as one predictor of success in law school, but not as a predictor of an applicant's success as a lawyer. Through the series of interviews with women lawyers, I have found the empirical data and role conflict scores on the Inventory of Feminine Values do not predict professional success or personal happiness. The Inventory tells its story: how a woman perceives her actual role (a woman's perception of herself); how a woman perceives her ideal role; where a woman's scores fit on the continuum from other-orientation (fulfillment through others) to self-orientation; and whether there is a statistically significant difference in the

116. See Emily Nussbaum, *Great Expectations: The Prospects for a Female Lawyer*, *Classes of '01, '91 and '81*, N.Y. TIMES, Sept. 9, 2001, § 6 (Magazine) at 118 (confirming, through interviews with women lawyers, the major attrition rate in large law firm practice and that more women join law firms but are less likely to make partner than their male colleagues. Women attribute this discrepancy "to overt discrimination, others to subtler factors, like an adversarial office culture or hours that eat away at family time. Still others note intractable differences in the way women value their lives and themselves: complex questions of culture, biology, family and what success (and power) really means.").

117. The LSAT is a half day standardized test required for admission to all 198 law school members of the Law School Admission Council. It is a standard measure of reading, verbal, and analysis skills that law schools use as one of many factors to assess law school applicants. For more information about the LSAT, see <http://www.lsac.org>.

scores on actual role (Form A) and ideal role (Form B).

The purpose of this study was to explore the quality of the professional and the personal lives of a selected sample of women lawyers in San Diego who had participated in an empirical study in 1996. These sixteen women lawyers are successful and productive. Their stories show women's ability to find solutions to work-family issues. These women lawyers are super women: they are managing careers, family, and community responsibilities.

Interviews with selected study participants support the notion that role conflict exists for women lawyers. The differences in role conflict may be based upon the different stages of women's lives and work cycles. Many of the interviewees have been lawyers for decades. Many have changed career paths during their decades-long professional lives. A law career may span thirty to forty years.¹¹⁸ As personal and professional lives have evolved and changed, jobs have changed.

According to the ABA Journal's year 2000 survey, the percentage of lawyers who believe women can do it all has dropped since 1983. While 81% of female respondents believed women could combine roles of lawyer, wife, and mother in 1983, only 64.5% believed women can do it all in 2000.¹¹⁹ My interviews with women lawyers in San Diego do not support these data. I found women are doing it all, though "all" is a relative term. All, for this selected group of lawyers, means balance and flexibility: different choices of legal employment (e.g., large firm, small firm, and sole practice; in-house; government; professor; judge; family, probate, immigration, and contract law) plus good childcare and caring, as well as supportive spouses and family.

I feel compelled by Susan Estrich's plea to women – to change ourselves¹²⁰ – to share my daughter's quest for power as a woman and as a lawyer. She has been my research and observation laboratory. Sam's life as a law student and now as a fifth year associate in large firm practice has given me continuing reinforcement for this research on women lawyers – for the importance of data collection, then follow-up interviews and observation. I acknowledge how hard it is for her to be a woman in a man's world. I have been a life-long working wife and mother, but I have chosen a different path than she (because I constructed my career around my early marriage, my husband's career, and my children). Of course, I hoped she would strive for power and a partnership position.

Sam completed her first year of law school. She was in the top ten percent of her law school class and successful in the write-on competition

118. See Kate Zernike, *Playing in the Big League*, N.Y. TIMES, Sept. 9, 2001, § 6 (Magazine) at 84 (quoting Shirley M. Tilghman, president of Princeton Univ., "The other thing that's important is to think about a career as a 40-year span. You have to take the long view: there are going to be periods of time when children are young, when your work habits are just going to have to be different from what they were before, at least for a time.").

119. Terry Carter, *Paths Need Paving*, A.B.A. J., Sept. 2000, at 34.

120. See ESTRICH, *supra* note 46, at 243-66.

for law review (her law school invites all interested students to participate in a write-on competition for law review rather than inviting everyone in the top ten percent, interested or not, to participate). She interviewed for jobs early in her second year and accepted a summer associate position with a major firm. Her experience as a summer associate was positive, reinforcing her decision to work for the firm. She was offered a position after graduation.

She enthusiastically started work after she graduated and took the bar examination. She admired her supervising attorney and the attorneys in her department. Her boss was her mentor and a superb lawyer: he encouraged her to work toward partnership, to take increased responsibility, to participate on significant cases with important clients, and to balance work with family. She flourished in the big firm environment, working long hours that included weekends and late evenings. She was married during her second year as an associate.

One year into her marriage, Sam decided her life lacked balance. She was exhausted from the pressure of billing hours and from trying to balance her life as lawyer and wife. She interviewed for corporate counsel positions. She received a good offer and gave notice. Her supervising attorney was devastated; her clients were disappointed. She regrettably left the firm and her friends who had become like family.

Three weeks passed. Sam was unhappy in her new job. Though she had plenty of time during the day for doctors' appointments, even lunch, she did not feel challenged or appreciated. Sam was not expected to produce the same quality of work she had produced at her firm. She was "bored." Then her supervising attorney called to see how she was doing and to ask her to return. He suggested she think about rejoining the firm on a part time track.

She returned to her clients and her big firm "family" on an eighty-five percent track. She now works more reasonable hours with few weekends or late evenings (though she is available when necessary) and has energy for her husband and family. She might even consider having children now that her life has balance. She is appreciated and valued by her firm and by her spouse. She is not working less hard, just fewer hours. She loves her life and continues to be an ambitious, dedicated lawyer who wants it all: partnership and leadership.

She has now become the role model in her firm for the part time option. One female partner plans to become part time in January 2002. Another male partner is considering the option of a part time track rather than retiring. It is still too early to predict Sam's long-term future – whether she will advance to leadership or management positions in her firm, whether she will achieve a top salary rank, or whether she will choose other options within the legal field at various times during her legal career.

Legal education and the legal profession must continue to change and

incorporate the "care perspective;"¹²¹ this will happen as the numbers of women lawyers increase. The continuing and dramatic increase in the number of women in law today (forty-eight percent of law students and twenty-nine percent of licensed lawyers¹²²) should increase women's ability to gain "power positions."¹²³ Women are assimilating conflicting roles: the traditional, nurturing role expected of them as spouses and mothers versus the achieving role where women fulfill themselves by realizing their own potential. Though professional success and accomplishment (self-orientation) may conflict with other-orientation, personal fulfillment is possible both professionally and personally.

Flexibility in the legal workplace allows women to practice law and to be wives and mothers. Women have come a long way, but women still have a long way to go. Women have responsible jobs in a profession that only decades ago was almost all Caucasian and male. As the legal profession continues to attract the best and brightest women, many of whom will choose to be partners in prestigious law firms, the profession will have to change even more to accommodate women's multiple roles. Women will have to do a better job socializing their husbands and sons to be equal partners in home and childcare. Law practice will need to be restructured to accommodate the growing numbers of women in the profession.

The interviews tell a story about the practice of law for women in San Diego which will lead to additional and continuing research focusing on women in the legal profession. These women's lives are rich in professional achievement and personal relationships. Every woman I interviewed loved law practice. Each was handling the stress of juggling multiple roles.¹²⁴ Every woman found work a tremendous source of satisfaction and confidence-building. Women can have it all, though "all" is measured by each woman's perception of ambition, success, and

121. For a look at the future for women and minorities in the legal profession, the good and the bad news, see Carrie Menkel-Meadow, *Culture Clash in the Quality of Life in the Law*, 44 CASE W. RES. L. REV. 621, 653-62 (1994). See also RAND JACK & DANA CROWLEY JACK, MORAL VISION AND PROFESSIONAL DECISION 157 (1989) (the authors, an attorney and a developmental psychologist, based their ideas on interviews with practicing "care-oriented" women attorneys); see also Janoff, *supra* note 4, at 233-38.

122. See *supra* notes 4, 6.

123. See Miriam I. Pickus, *The Legal Process and Profession*, 84 MICH. L. REV. 1052 (1986) (reviewing RONALD CHESTER, UNEQUAL ACCESS: WOMEN LAWYERS IN A CHANGING AMERICA (1985)). Chester includes senior partnerships, tenured professors, important judicial appointments, and upper level government jobs as "power positions." *Id.* at 17, 119.

124. Research has shown that working women handle stress better than men. A study at the University of Pittsburgh compared groups of employed men and women with similar work situations. Women exhibited considerably lower blood pressure, adrenaline levels, and cholesterol levels than men (stress leads to elevated blood pressure, heart rate, and adrenaline, contributing to heart disease). One explanation may be the female hormone, estrogen, that protects women from responding to stress. See *Pitt Study Evaluates Working Women's Stress*, PR NEWSWIRE, Apr. 24, 1991.

productivity.

Women "have already changed the world, and all we have to do is finish the job."¹²⁵ Women have found workplaces that accommodate conflicting demands, and thus allow for a balanced life. Anthropologist, Mary Catherine Bateson, in looking at lives of women she admired, women who have led lives of achievement and caring, women struggling to combine multiple commitments said:

It is time now to explore the creative potential of interrupted and conflicted lives, where energies are not narrowly focused or permanently pointed toward a single ambition. These are not lives without commitment, but rather lives in which commitments are continually refocused and redefined.¹²⁶

125. ESTRICH, *supra* note 46, at 266

126. MARY CATHERINE BATESON, *COMPOSING A LIFE* 9 (1989).